

# **EXHIBIT D**

SUPERIOR COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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JASON BOYCE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No.: 160630/2017
	)	
BRUCE WEBER; JASON KANNER;	)	
SOUL ARTIST MANAGEMENT;	)	
LITTLE BEAR, INC.,	)	
	)	
Defendants.	)	
	)	

VIDEOTAPED DEPOSITION OF JASON BOYCE

Los Angeles, California

Tuesday, July 9, 2019



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1 I N D E X

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3	Examinations	Page
4	BY MS. WEINTRAUB	8
5	BY MS. LEVINE-GRONNINGSATER	361
6	BY MS. WEINTRAUB (Further)	365

7

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9 E X H I B I T S

10	No.	Description
11	Exhibit 1	6/5/2009 e-mail thread
12	Exhibit 2	Colored photograph of Jason Boyce
13	Exhibit 3	August 17, 2009 e-mail thread
14	Exhibit 4	Photograph of Jason Boyce
15	Exhibit 5	March 31, 2015 e-mail thread
16	Exhibit 6	January 8, 2010 e-mail thread
17	Exhibit 7	10/18/2011 e-mail thread
18	Exhibit 8	December 3, 2013 e-mail
19	Exhibit 9	Text message thread
20	Exhibit 10	3/24/2014 e-mail thread
21	Exhibit 11	8/26/2010 e-mail
22	Exhibit 12	November 19, 2014 e-mail
23	Exhibit 13	5/18/2010 e-mail thread
24	Exhibit 14	6/11/2010 e-mail thread
25	Exhibit 15	March 11, 2014 e-mail thread

1	Exhibit 16	June 19, 2014 e-mail
2	Exhibit 17	April 18, 2014 e-mail
3	Exhibit 18	July 15, 2014 e-mail
4	Exhibit 19	Transcript of Mark Ricketson; Page 71
5	Exhibit 20	December 7, 2014 e-mail
6	Exhibit 21	11/20/2014 e-mail
7	Exhibit 22	Five photographs of Jason Boyce
8	Exhibit 23	April 18, 2011 e-mail thread
9	Exhibit 24	April 20, 2011 e-mail; four photographs of Jason Boyce
10		
11	Exhibit 25	3/1/13 text message thread
12	Exhibit 26	2/18/14 text message thread
13	Exhibit 27	May 19, 2014 text message thread
14	Exhibit 28	Transcript of David Todd; Page 173
15	Exhibit 29	11/4/2015 e-mail thread
16	Exhibit 30	11/24/14 text message thread
17	Exhibit 31	12/15/2014 e-mail
18	Exhibit 32	Hand drawn map
19	Exhibit 33	Photos of Jason Boyce
20	Exhibit 34	Photos of Jason Boyce
21	Exhibit 35	Photos of Jason Boyce
22	Exhibit 36	Photograph of Jason Boyce
23	Exhibit 37	Photograph of Jason Boyce
24	Exhibit 38	December 16, 2014 e-mail thread
25	Exhibit 39	December 17, 2014 Instagram photo

<p style="text-align: right;">Page 30</p> <p>1 <b>A. I don't know his last -- I can't remember his</b>  2 <b>last name.</b>  3 Q. Okay. Did you think it would make a lot of  4 money -- you'd make a lot of model being a model?  5 <b>A. I did.</b>  6 Q. How much money did you think it would make?  7 <b>A. I don't know, but more than I had.</b>  8 Q. Which was?  9 <b>A. I don't remember, it wasn't a lot.</b>  10 Q. Okay. Did you do any research on modeling to  11 see what they make or...  12 <b>A. No, I didn't.</b>  13 Q. Did you know how incredibly hard it would be to  14 become a model?  15 <b>A. Not before, no.</b>  16 Q. Not before what?  17 <b>A. Not before I actually became a model, no.</b>  18 Q. When did you actually become a model?  19 <b>A. When I signed with David, in my mind.</b>  20 Q. David Todd, for the record?  21 <b>A. David Todd, for the record.</b>  22 Q. Year? Was that at Nous in 2000- --  23 <b>A. At Nous in 2009.</b>  24 Q. When you made the decision and you signed with  25 David Todd at Nous, did you know how unlikely it would</p>	<p style="text-align: right;">Page 31</p> <p>1 be that you would ever become a successful model enough  2 to pay your bills?  3 <b>A. At the time, no.</b>  4 Q. Let's talk about the different agencies that you  5 worked at.  6 What would a successful -- what would success be  7 for you, as a model?  8 <b>A. To do projects that I liked, to make a living.</b>  9 Q. Were you ever able to make a living working as a  10 model?  11 <b>A. I mean, there were times where I made -- there</b>  12 <b>were times where I made money and times where I</b>  13 <b>wouldn't.</b>  14 Q. That's different from making a living and be  15 able to support yourself as a model, isn't -- hold on,  16 you gotta let me finish first. So I'm going to take it  17 back and ask it again.  18 Were you ever able to make a living and support  19 yourself as a model? It's a "yes" or "no," and you can  20 explain.  21 <b>A. No.</b>  22 Q. What's a brand campaign?  23 <b>A. It's a -- it's an advertising campaign that a</b>  24 <b>brand does.</b>  25 Q. Would you consider making it if you got a brand</p>
<p style="text-align: right;">Page 32</p> <p>1 campaign?  2 <b>A. Not necessarily.</b>  3 Q. Why?  4 <b>A. Because that's just one job.</b>  5 Q. Would making it be a spread in Vogue?  6 <b>A. That's pretty big. That's pretty big.</b>  7 Q. Could you support yourself on that?  8 <b>A. Not from that one job, no.</b>  9 Q. If you were on a billboard, would that mean  10 success for you?  11 <b>A. That would be -- yeah, that would be great.</b>  12 Q. Being great doesn't mean success, does it? Or  13 does it?  14 <b>A. No, it depends on your definition of success --</b>  15 <b>my definition of success. If I were on a billboard, I'd</b>  16 <b>probably be getting paid for that. And if I'm getting</b>  17 <b>paid for that, I'd be making some type of living. But I</b>  18 <b>would need another job.</b>  19 Q. So although you agree that it would be a sign of  20 success, that would not -- that would not necessarily  21 mean that you were a success, meaning that you would  22 could support yourself?  23 <b>A. Well, it's a little more nuance than that. That</b>  24 <b>one job probably couldn't support me for a lifespan, but</b>  25 <b>if I have that one job, I have a much greater</b></p>	<p style="text-align: right;">Page 33</p> <p>1 <b>opportunity to get other jobs.</b>  2 Q. Okay. But that's also -- that's a maybe. And  3 maybes don't pay the bills; right?  4 <b>A. That -- I mean, that whole world is a maybe.</b>  5 <b>But if I'm on a billboard, I am much more likely to get</b>  6 <b>another job.</b>  7 Q. Are you saying that if you're on a billboard  8 that you have more than a 50 percent chance of --  9 <b>A. I can't quantify it.</b>  10 Q. You have no idea, do you?  11 <b>A. I can't quantify that.</b>  12 Q. Is it fair to state you really have no idea; you  13 just think it would be -- you would have a better chance  14 than you would have if you didn't have a billboard?  15 <b>A. I would have a better chance if I did have it.</b>  16 Q. Okay. Nous Talent Agency, that's where you met  17 David Todd?  18 <b>A. Nous Model Management.</b>  19 Q. Sorry. Was it Nous Model Management or Nous --  20 <b>A. So Nous Talent was their commercial --</b>  21 <b>commercial division.</b>  22 Q. Okay.  23 <b>A. Nous Model Management was their models.</b>  24 Q. Okay. Can you tell me when you modeled for  25 them, year to year?</p>

<p style="text-align: right;">Page 54</p> <p>1 <b>A. Correct.</b></p> <p>2 Q. How much money can you give -- can you tell me</p> <p>3 even approximately how much were you making from 2010 to</p> <p>4 2014, yearly, as a model?</p> <p>5 <b>A. I don't know. It fluctuated every year.</b></p> <p>6 Q. What's the most that you ever made as a model</p> <p>7 during those four years?</p> <p>8 <b>A. Do commercials count?</b></p> <p>9 Q. Well, no, but you can tell me. I want to know</p> <p>10 from modeling.</p> <p>11 <b>A. I don't know, anywhere from -- guessing --</b></p> <p>12 <b>guessing, anywhere from 5- to 15,000.</b></p> <p>13 Q. Did you -- did you -- have you read David Todd's</p> <p>14 deposition?</p> <p>15 <b>A. Parts of it, I have.</b></p> <p>16 Q. Okay. Are you aware of the fact that David</p> <p>17 Todd, as your agent, said during that period of time</p> <p>18 that you never made more than 10- or \$15,000 in any</p> <p>19 given year?</p> <p>20 <b>A. I didn't know he said that, but that probably</b></p> <p>21 <b>sounds correct.</b></p> <p>22 Q. Okay. David Todd also testified that if he had</p> <p>23 to draw a graph, meaning a graph that goes squiggly</p> <p>24 lines up and down, that for your modeling career,</p> <p>25 starting in 2009 to 2014, it would be a straight line</p>	<p style="text-align: right;">Page 55</p> <p>1 across.</p> <p>2 Do you agree?</p> <p>3 <b>A. I agree.</b></p> <p>4 Q. As a matter of fact, by March -- oh, and you --</p> <p>5 strike that.</p> <p>6 You would agree with the fact that you weren't</p> <p>7 making it as a model by 2014, and then had absolutely</p> <p>8 nothing to do with Bruce Weber; agree?</p> <p>9 <b>A. Up until 2014, yes.</b></p> <p>10 Q. You agree?</p> <p>11 <b>A. I agree.</b></p> <p>12 Q. And you'd been trying to be a model for five</p> <p>13 years?</p> <p>14 <b>A. Yeah.</b></p> <p>15 Q. And you weren't able to make any money to</p> <p>16 support yourself?</p> <p>17 <b>A. Correct.</b></p> <p>18 Q. So in my language, that would be that you were</p> <p>19 not successful as a model.</p> <p>20 Would you agree with that statement?</p> <p>21 <b>A. Partially. Like I said, to do projects that I</b></p> <p>22 <b>love and to make a living, I did do some really awesome</b></p> <p>23 <b>projects that I really loved.</b></p> <p>24 Q. But you couldn't support yourself?</p> <p>25 <b>A. So partially, I agree with you.</b></p>
<p style="text-align: right;">Page 56</p> <p>1 Q. Okay. So let's take it back and get an answer</p> <p>2 down.</p> <p>3 My question is, do you agree that you never</p> <p>4 could support yourself as a model? Period.</p> <p>5 <b>A. I agree with that.</b></p> <p>6 Q. Okay. That had nothing to do with Bruce Weber,</p> <p>7 did it?</p> <p>8 <b>A. No.</b></p> <p>9 Q. Now, in 2000- -- March 2014, didn't David Todd</p> <p>10 -- number 20, please -- didn't David Todd have a talk</p> <p>11 with you and explain that you're just getting too old</p> <p>12 for him to even try and book you?</p> <p>13 <b>A. I don't recall that conversation.</b></p> <p>14 Q. Do you recall a conversation where he told you</p> <p>15 that you just weren't under 24, you weren't skinny</p> <p>16 enough, as the market was calling for?</p> <p>17 <b>A. He probably did say something like that.</b></p> <p>18 Q. Okay. We don't like "probably." I want you to</p> <p>19 take a look at this, and tell me, is this e-mail</p> <p>20 correspondence between you and David Todd -- which now</p> <p>21 has been marked as Exhibit No. 10. This is from March</p> <p>22 24th, 2014; right?</p> <p>23 <b>A. Correct.</b></p> <p>24 (Exhibit 10 marked.)</p> <p>25 ///</p>	<p style="text-align: right;">Page 57</p> <p>1 BY MS. WEINTRAUB:</p> <p>2 Q. Okay. So David Todd is telling you that the</p> <p>3 market is for under 24 and skinny, and you're just not</p> <p>4 that anymore; right?</p> <p>5 <b>A. Correct.</b></p> <p>6 Q. Because you were over 24 by then?</p> <p>7 <b>A. I was.</b></p> <p>8 Q. And you asked him to lie. Look at the bottom.</p> <p>9 Right?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. Because you were so desperate for him to book</p> <p>12 you, that you were willing to lie about your age, your</p> <p>13 weight, whatever it took, you were willing to do it, and</p> <p>14 you were begging him to help you; right?</p> <p>15 <b>A. "Begging" is a strong word, but --</b></p> <p>16 Q. Okay. You were asking him to?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. Okay. In fact, you told your brother, Bryan,</p> <p>19 and Stephanie how very competitive the field of modeling</p> <p>20 was; right?</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. You told him every time you went to a casting,</p> <p>23 you saw younger and better looking guys than yourself;</p> <p>24 right? You told that to Bryan?</p> <p>25 <b>A. I probably -- I don't remember that -- do you</b></p>



<p style="text-align: right;">Page 90</p> <p>1 look better at that point?</p> <p>2 <b>A. Not correct.</b></p> <p>3 Q. Not correct? You didn't tell Marco Vierra that</p> <p>4 you had to wait for Stephanie to get paid?</p> <p>5 <b>A. That's different. That was for -- that was for</b></p> <p>6 <b>acting. That's head shots. For modeling, she never</b></p> <p>7 <b>paid for any of my photos.</b></p> <p>8 Q. Okay. Now, again, you send Jason Kanner, Merry</p> <p>9 Christmas, touching your own erect penis; right? Right?</p> <p>10 You want to see it? Right? Merry Christmas, lol,</p> <p>11 holding your penis, erect -- or, no, holding your penis,</p> <p>12 not erect.</p> <p>13 <b>A. Not erect.</b></p> <p>14 Q. Correct? That's December 7th, 2014; right?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. Now, at this point, you find out that Jason</p> <p>17 Kanner has finally convinced Bruce Weber to do a go-see</p> <p>18 and take some pictures for your book; right?</p> <p>19 <b>A. I don't --</b></p> <p>20 Q. December 12th.</p> <p>21 <b>A. Yeah, I --</b></p> <p>22 Q. Right?</p> <p>23 <b>A. I don't remember the exact date.</b></p> <p>24 Q. Around -- a few days after this picture?</p> <p>25 <b>A. Yeah, around that, yeah.</b></p>	<p style="text-align: right;">Page 91</p> <p>1 Q. Okay. And in your mind -- well, let's start</p> <p>2 with -- 44 -- you didn't have enough money to go to New</p> <p>3 York City; right? It was a \$900 plane fare. And you</p> <p>4 even asked Kanner for an advance to borrow money or</p> <p>5 something.</p> <p>6 <b>A. I did ask Jason for money, yes.</b></p> <p>7 Q. Okay. And that was because you said you</p> <p>8 couldn't even afford the plane ticket.</p> <p>9 <b>A. Yeah.</b></p> <p>10 Q. When did you make the shower video of you</p> <p>11 masturbating? Did you make more than one?</p> <p>12 <b>A. In the shower? Or just --</b></p> <p>13 Q. Just masturbating.</p> <p>14 <b>A. Yes, I did.</b></p> <p>15 Q. Okay. Did you make more than one in the shower?</p> <p>16 <b>A. I don't think so.</b></p> <p>17 Q. Okay. Do you remember when you made that one in</p> <p>18 the shower of you masturbating?</p> <p>19 <b>A. It was sometime -- sometime in 2014 or '15,</b></p> <p>20 <b>because it was at my house in Los Angeles. I don't</b></p> <p>21 <b>remember the exact month.</b></p> <p>22 Q. And who did you send that to?</p> <p>23 <b>A. I don't recall. I think I sent it to Jason</b></p> <p>24 <b>Kanner.</b></p> <p>25 Q. Did you send it to Scott Hoover?</p>
<p style="text-align: right;">Page 92</p> <p>1 <b>A. No.</b></p> <p>2 Q. Why?</p> <p>3 <b>A. Because I didn't talk with Scott Hoover.</b></p> <p>4 Q. How about Ben Estridge?</p> <p>5 <b>A. I don't believe I did.</b></p> <p>6 Q. Any other photographers you sent it to?</p> <p>7 <b>A. Not that I recall.</b></p> <p>8 Q. Any other casting agents?</p> <p>9 <b>A. Not that I recall.</b></p> <p>10 Q. How about Derek Warburton?</p> <p>11 <b>A. Not that I recall.</b></p> <p>12 Q. So the only person that you do recall sending it</p> <p>13 to is Jason Kanner?</p> <p>14 <b>A. Off the top of my head, yes --</b></p> <p>15 Q. Did you make it for Jason Kanner?</p> <p>16 <b>A. I don't recall.</b></p> <p>17 Q. Would you send it to a woman?</p> <p>18 <b>A. Would I?</b></p> <p>19 Q. Uh-huh.</p> <p>20 <b>A. Probably, yeah.</b></p> <p>21 Q. Did you?</p> <p>22 <b>A. I don't remember.</b></p> <p>23 Q. Now, we talked about that you had no problem</p> <p>24 shooting in the nude; right?</p> <p>25 <b>A. Yes.</b></p>	<p style="text-align: right;">Page 93</p> <p>1 Q. The shots with Darren -- I'm sure I'm going to</p> <p>2 mispronounce his name -- Tieste?</p> <p>3 <b>A. I think that's right.</b></p> <p>4 Q. Who booked that?</p> <p>5 <b>A. David Todd.</b></p> <p>6 Q. And that was for your book?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. That was not for a job?</p> <p>9 <b>A. No.</b></p> <p>10 Q. And he told you to touch yourself?</p> <p>11 <b>A. Not that I remember.</b></p> <p>12 Q. Now, when Jason Kanner -- when Jason Kanner got</p> <p>13 you the go-see with Bruce Weber, you were thrilled, to</p> <p>14 say the least?</p> <p>15 <b>A. Oh, yeah, definitely.</b></p> <p>16 Q. And you find out about it, end of November 2014;</p> <p>17 right?</p> <p>18 <b>A. Sounds right.</b></p> <p>19 Q. Okay. And when Jason Kanner sent pictures again</p> <p>20 to Bruce Weber, this was -- this isn't the first time</p> <p>21 Bruce Weber's contacted -- we'll talk about it, but,</p> <p>22 surely, it's not the first time; right?</p> <p>23 <b>A. It wasn't, no.</b></p> <p>24 Q. You sent him -- contacted Bruce Weber lots of</p> <p>25 times.</p>

<p style="text-align: right;">Page 94</p> <p>1 <b>A. My agent --</b></p> <p>2 Q. On your behalf?</p> <p>3 <b>A. Yes.</b></p> <p>4 Q. At your request?</p> <p>5 <b>A. Yes, at the request of probably many models.</b></p> <p>6 Q. Really? That's not what he said. Why do you</p> <p>7 say that?</p> <p>8 <b>A. That's not what who said?</b></p> <p>9 Q. That's not what David Todd said.</p> <p>10 <b>A. I'm talking about Jason Kanner.</b></p> <p>11 Q. But you specifically asked David Todd to contact</p> <p>12 Bruce Weber on a number of occasions; right? We're</p> <p>13 going to go over them later, but --</p> <p>14 <b>A. Yes, yes.</b></p> <p>15 Q. Suffice it to say, there were many times, at</p> <p>16 your request, Bruce Weber's name comes up, specifically,</p> <p>17 and you want to get in front of him?</p> <p>18 <b>A. Correct.</b></p> <p>19 Q. Okay. So on November 20th, 2014, Jason Kanner,</p> <p>20 on your behalf, sends an e-mail to Bruce Weber. And he</p> <p>21 sends a picture of you -- Exhibit 21.</p> <p>22 (Exhibit 21 marked.)</p> <p>23 BY MS. WEINTRAUB:</p> <p>24 Q. Right?</p> <p>25 <b>A. Yes.</b></p>	<p style="text-align: right;">Page 95</p> <p>1 Q. Okay. And -- and it also shows that he is --</p> <p>2 Bruce Weber is shooting somebody else for Jason the very</p> <p>3 next day; right?</p> <p>4 <b>A. That's what it looks like, yeah.</b></p> <p>5 Q. Okay. So -- and this is not a nude picture that</p> <p>6 was sent --</p> <p>7 <b>A. No.</b></p> <p>8 Q. -- to Bruce Weber; right? On November 20th,</p> <p>9 2014.</p> <p>10 <b>A. Correct.</b></p> <p>11 Q. This is when he -- this is when Kanner gets</p> <p>12 Bruce Weber to agree. All right, I'll do the go-see for</p> <p>13 your boy, Jason Boyce, basically; right? Yes?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. And --</p> <p>16 MS. LEVINE-GRONNINGSATER: Counsel, can I</p> <p>17 interrupt just about deposition pages. I think you</p> <p>18 might have given me the copy for --</p> <p>19 MR. ETRA: We'll just switch.</p> <p>20 MS. WEINTRAUB: Sorry.</p> <p>21 MR. ETRA: It's okay. Thank you.</p> <p>22 BY MS. WEINTRAUB:</p> <p>23 Q. By December 2014, fair statement to say that you</p> <p>24 were completely broke -- you were broke?</p> <p>25 <b>A. Yes.</b></p>
<p style="text-align: right;">Page 96</p> <p>1 Q. You made zero money modeling in the year 2014?</p> <p>2 <b>A. Yeah.</b></p> <p>3 Q. You didn't even have a few hundred dollars to</p> <p>4 pay your sad dues by then; right?</p> <p>5 <b>A. Sounds right.</b></p> <p>6 Q. Do you want to see it?</p> <p>7 <b>A. No, I remember it.</b></p> <p>8 Q. Okay. So you're bum broke at the end of 2014.</p> <p>9 <b>A whole year, you didn't make any money modeling.</b></p> <p>10 <b>How did you support yourself?</b></p> <p>11 <b>A. Bartending.</b></p> <p>12 Q. Okay. And -- and you do the video of the</p> <p>13 masturbating and ejaculating in the shower at that time;</p> <p>14 correct?</p> <p>15 <b>A. Correct.</b></p> <p>16 Q. Now, was that -- was that in 2014?</p> <p>17 <b>A. I don't recall.</b></p> <p>18 Q. Well, you made several. So when was the shower?</p> <p>19 Please don't make me show it.</p> <p>20 <b>A. I believe it was 2014.</b></p> <p>21 Q. When you did those -- well, when you did the</p> <p>22 shower, masturbating, you ejaculated -- do you remember</p> <p>23 that?</p> <p>24 <b>A. Yes.</b></p> <p>25 Q. It was kind of pornographic watching it, to be</p>	<p style="text-align: right;">Page 97</p> <p>1 honest.</p> <p>2 Do you agree with that?</p> <p>3 <b>A. Yeah.</b></p> <p>4 Q. And was it made for that reason? Was it an</p> <p>5 indication you would do porn and try and get work that</p> <p>6 way?</p> <p>7 <b>A. No.</b></p> <p>8 Q. If you weren't willing to do porn shots like</p> <p>9 what you were sending them, why were you sending them to</p> <p>10 people?</p> <p>11 <b>A. I was comfortable -- I was comfortable doing it,</b></p> <p>12 <b>because I was alone, by myself. Again, I morally had</b></p> <p>13 <b>pushed those goalposts back to where I justified it to</b></p> <p>14 <b>myself. But I was okay with it, because nobody touched</b></p> <p>15 <b>me, nobody was there with me.</b></p> <p>16 Q. Well, what was the reason that you -- I</p> <p>17 understand. And that's going to be, I know, a mantra of</p> <p>18 yours. But what was the reason for it? I mean, what</p> <p>19 was the reason for taking -- or making pornographic</p> <p>20 videos of you masturbating and ejaculating? That's not</p> <p>21 to get a photo shoot.</p> <p>22 <b>A. Yes, it is.</b></p> <p>23 Q. That's to get a job with a brand?</p> <p>24 <b>A. Yes.</b></p> <p>25 Q. And, particularly, what photographer were you</p>

Page 98

1 trying to appeal to with that?

2 **A. I was trying to get Jason Kanner to push me to**

3 **any photographer that would -- that worked regularly**

4 **that would get me a job.**

5 **A. Okay. So -- and I want to just go back to the**

6 **Darren Tieste pictures because I couldn't find them**

7 **before. And we'll make a composite exhibit, because**

8 **there are four pictures. One, two, three, four --**

9 **there's five. Do you have the last one? Five.**

10 **Those are the pictures that Darren Tieste took;**

11 **right?**

12 **A. Yep.**

13 Q. What's the exhibit number, Mr. Boyce?

14 **A. 22.**

15 (Exhibit 22 marked.)

16 BY MS. WEINTRAUB:

17 Q. Okay. So Exhibit No. 22, those are what you

18 shot with Darren Tieste?

19 **A. Yes.**

20 Q. And you did those in December 2014?

21 **A. Yes.**

22 Q. That was for no particular reason except for

23 your book; right?

24 **A. Yes.**

25 Q. Those are pictures of you holding your penis and

Page 100

1 right?

2 **A. Yes, yes.**

3 Q. Just so we're clear. That had nothing to do

4 with Bruce Weber; correct?

5 **A. Correct.**

6 Q. What do you remember about Bruce Weber, why you

7 wanted to get in front of him?

8 **A. I knew that he made the careers of a lot of**

9 **successful male models.**

10 Q. Name one. Did you know any of them?

11 **A. I didn't know any of them personally.**

12 Q. Did you talk to any of them?

13 **A. Well, I know Jason Morgan shot with him, Nathan**

14 **Owens shot with him.**

15 Q. When did you learn these things? Like, when did

16 you talk to Jason Morgan?

17 **A. 2014.**

18 Q. Okay. But you started wanting to get in front

19 of Bruce Weber in 2010 --

20 **A. Correct.**

21 Q. -- or '09.

22 **A. Right.**

23 Q. So what did you know about Bruce Weber in 2009

24 or 2010? And why did you want to get in front of him so

25 bad?

Page 99

1 showing your penis with a towel?

2 **A. That's me covering, yes.**

3 Q. That's covering your penis?

4 So you put the towel there to cover it, not for

5 some other reason to make it seem as though that's an

6 extension or your penis itself; right? Because you see

7 the way it looks; yes? Is that not meant to look like

8 your penis?

9 **A. No.**

10 Q. Okay. That's meant to be you being bashful,

11 covering it up?

12 **A. That's me covering it.**

13 Q. Okay. And as I said before -- actually, I told

14 your lawyer this off the record. I recently had back

15 surgery and I can't sit. So I'm just going to stand.

16 So this has nothing to do with anything, but I have to

17 stand. Are you okay?

18 When and how did you first meet Bruce Weber?

19 **A. At the go-see that Jason Kanner set up.**

20 Q. December 2014?

21 **A. Yes.**

22 Q. When you did the -- when you went to the casting

23 at A&F in 2010 or '11, was Bruce Weber there?

24 **A. No.**

25 Q. Okay. You were rejected from that, though;

Page 101

1 **A. I knew that -- I'm sorry, I didn't mean to**

2 **interrupt you.**

3 Q. That's okay.

4 **A. I knew that he shot the Abercrombie campaigns,**

5 **which appealed to me. I'm sorry, I thought you were**

6 **signalling me or something. That appealed to me. So I**

7 **knew that he was a very prominent photographer that shot**

8 **a lot of male models and shot a lot of work, so I wanted**

9 **to shoot with him. I liked his style of shooting.**

10 Q. Mostly provocative --

11 **A. Black and white.**

12 Q. -- male pictures. As a matter of fact, I mean,

13 he was iconic and known for skyrocketing men in the

14 industry; right?

15 **A. He was.**

16 Q. Or you didn't even know that?

17 **A. He was, yes.**

18 Q. Now, you knew that David -- in 2010, you knew

19 that?

20 **A. Yes.**

21 Q. And you asked David Todd, back then, if he could

22 get you in front of him?

23 **A. Yes, I had had multiple meetings with him in his**

24 **office. And he told me how close he was with Bruce**

25 **Weber, and how he could -- I would be perfect for Bruce**

<p style="text-align: right;">Page 102</p> <p><b>1 Weber, so I -- I wanted to shoot with him, I did.</b></p> <p>2 Q. Okay. But you said that -- I mean, you don't</p> <p>3 mean to say that it was David Todd's idea. It was your</p> <p>4 idea.</p> <p><b>5 A. To what, shoot with him?</b></p> <p>6 Q. To shoot with Bruce Weber.</p> <p><b>7 A. It was our idea.</b></p> <p>8 Q. I'm sorry?</p> <p><b>9 A. It was our idea.</b></p> <p>10 Q. Okay. But you wrote to him and said, "Can you</p> <p>11 get me a shoot with Bruce Weber?"</p> <p><b>12 A. Yes -- yeah, absolutely.</b></p> <p>13 Q. Okay. So despite all the rejections, year after</p> <p>14 year, you believed that a big photographer, like Bruce</p> <p>15 Weber, was going to see something that photographers who</p> <p>16 had been photographing you for five years hadn't seen</p> <p>17 yet; right?</p> <p><b>18 A. Yes.</b></p> <p>19 Q. You were hoping that if you got in front of</p> <p>20 Bruce Weber, that he would see something that casting</p> <p>21 agents, hundreds of them, didn't see when they were</p> <p>22 rejecting you; right?</p> <p><b>23 A. Yes.</b></p> <p>24 Q. You were hoping that if you could get in front</p> <p>25 of Bruce Weber, that the heavens were going to open,</p>	<p style="text-align: right;">Page 103</p> <p>1 something was going to happen, that was going to put you</p> <p>2 on the radar?</p> <p><b>3 A. Yes, I thought he had that type of power.</b></p> <p>4 Q. What made you think that you had that type of</p> <p>5 look after being rejected for four years that anything</p> <p>6 would change if Bruce Weber took your picture?</p> <p><b>7 A. I believed in myself.</b></p> <p>8 Q. And that was the basis?</p> <p><b>9 A. That, and my agents telling me that I had that</b></p> <p><b>10 look.</b></p> <p>11 Q. Okay. Well, they never said you had that look</p> <p>12 for Bruce Weber and he's going to make you a star. So</p> <p>13 let's be clear; right?</p> <p><b>14 A. Actually, yes, they -- in meetings, yes. David</b></p> <p><b>15 Todd told me on multiple occasions that I had a look</b></p> <p><b>16 that Bruce Weber would like, and that he was going to</b></p> <p><b>17 push me to Bruce Weber.</b></p> <p>18 Q. But the truth of the matter is that -- well,</p> <p>19 we'll get to those statements.</p> <p>20 Do you agree that -- as David Todd said -- I</p> <p>21 asked David Todd in deposition, if you read his</p> <p>22 deposition, "Was Jason Boyce just kind of wishing and</p> <p>23 hoping that something would happen that never had</p> <p>24 happened before?"</p> <p>25 And David Todd's answer was, "Basically, hoping.</p>
<p style="text-align: right;">Page 104</p> <p>1 Yeah, maybe wishing. Wishing."</p> <p>2 Do you agree with that?</p> <p><b>3 A. Sure, I had hope.</b></p> <p>4 Q. And it was more like you were wishing and hoping</p> <p>5 that something could happen, but it wasn't based on</p> <p>6 anything in reality, was it?</p> <p><b>7 A. I was hopeful, and I did wish that I could shoot</b></p> <p><b>8 with Bruce and -- yes.</b></p> <p>9 Q. Now, in 2010, when you went to the A&amp;F shoot,</p> <p>10 there was a casting director there; right?</p> <p><b>11 A. The A&amp;F casting?</b></p> <p>12 Q. Uh-huh.</p> <p><b>13 A. Yeah, it wasn't a shoot.</b></p> <p>14 Q. I'm sorry, when you went to the A&amp;F casting,</p> <p>15 there was a casting director there?</p> <p><b>16 A. Correct.</b></p> <p>17 Q. There was a creative team there?</p> <p><b>18 A. I believe so, yes.</b></p> <p>19 Q. And can you explain the process for selecting a</p> <p>20 model at a casting? Do you know how that works, even?</p> <p><b>21 A. I know that going to a casting, you sign in.</b></p> <p><b>22 They take polaroids of you. They usually have you fill</b></p> <p><b>23 out a slate, so your name, your height, your weight.</b></p> <p><b>24 You told it, they take pictures, and then that's all I</b></p> <p><b>25 know.</b></p>	<p style="text-align: right;">Page 105</p> <p>1 Q. And I think we already showed it previously, but</p> <p>2 I just want to make a record of it, that in 2010, you</p> <p>3 said that you want Bruce to meet you; right? And you</p> <p>4 want to meet Bruce.</p> <p>5 "Do you think I'll get a chance to meet Bruce</p> <p>6 Weber?" You're suggesting that --</p> <p><b>7 A. Yeah.</b></p> <p>8 Q. Right? Okay. And in 2011, again, you brought</p> <p>9 it up to David Todd, "Is there any way that you could</p> <p>10 get me in front of Bruce Weber?"</p> <p><b>11 A. Yes, but, again, those are e-mails. We had had</b></p> <p><b>12 in-person discussions that he said that he was going to</b></p> <p><b>13 get me in front of Bruce Weber, or try to get me in</b></p> <p><b>14 front of Bruce Weber. So that's me following up.</b></p> <p>15 Q. Okay. And -- well, it doesn't say, I'm</p> <p>16 following up.</p> <p>17 As a matter of fact, it says, from you, Jason</p> <p>18 Boyce -- what does that say on the bottom? "Hey, DT."</p> <p><b>19 A. "Hey, DT, happy Monday. Hey, can I go -- can I</b></p> <p><b>20 go-see with Bruce Weber? Is he in New York right now?"</b></p> <p>21 Q. So that's not a follow-up of, hey, you said that</p> <p>22 Bruce Weber would -- you know, whatever. That's you</p> <p>23 reaching out to David Todd -- which is -- there's no</p> <p>24 reason -- there's nothing wrong with it. But, again,</p> <p>25 you're reaching out and saying, hey, David, you know,</p>

<p style="text-align: right;">Page 98</p> <p>1 trying to appeal to with that?</p> <p>2 <b>A. I was trying to get Jason Kanner to push me to</b></p> <p>3 <b>any photographer that would -- that worked regularly</b></p> <p>4 <b>that would get me a job.</b></p> <p>5 <b>A. Okay. So -- and I want to just go back to the</b></p> <p>6 <b>Darren Tieste pictures because I couldn't find them</b></p> <p>7 <b>before. And we'll make a composite exhibit, because</b></p> <p>8 <b>there are four pictures. One, two, three, four --</b></p> <p>9 <b>there's five. Do you have the last one? Five.</b></p> <p>10 <b>Those are the pictures that Darren Tieste took;</b></p> <p>11 <b>right?</b></p> <p>12 <b>A. Yep.</b></p> <p>13 Q. What's the exhibit number, Mr. Boyce?</p> <p>14 <b>A. 22.</b></p> <p>15 (Exhibit 22 marked.)</p> <p>16 BY MS. WEINTRAUB:</p> <p>17 Q. Okay. So Exhibit No. 22, those are what you</p> <p>18 shot with Darren Tieste?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. And you did those in December 2014?</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. That was for no particular reason except for</p> <p>23 your book; right?</p> <p>24 <b>A. Yes.</b></p> <p>25 Q. Those are pictures of you holding your penis and</p>	<p style="text-align: right;">Page 99</p> <p>1 showing your penis with a towel?</p> <p>2 <b>A. That's me covering, yes.</b></p> <p>3 Q. That's covering your penis?</p> <p>4 So you put the towel there to cover it, not for</p> <p>5 some other reason to make it seem as though that's an</p> <p>6 extension or your penis itself; right? Because you see</p> <p>7 the way it looks; yes? Is that not meant to look like</p> <p>8 your penis?</p> <p>9 <b>A. No.</b></p> <p>10 Q. Okay. That's meant to be you being bashful,</p> <p>11 covering it up?</p> <p>12 <b>A. That's me covering it.</b></p> <p>13 Q. Okay. And as I said before -- actually, I told</p> <p>14 your lawyer this off the record. I recently had back</p> <p>15 surgery and I can't sit. So I'm just going to stand.</p> <p>16 So this has nothing to do with anything, but I have to</p> <p>17 stand. Are you okay?</p> <p>18 When and how did you first meet Bruce Weber?</p> <p>19 <b>A. At the go-see that Jason Kanner set up.</b></p> <p>20 Q. December 2014?</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. When you did the -- when you went to the casting</p> <p>23 at A&amp;F in 2010 or '11, was Bruce Weber there?</p> <p>24 <b>A. No.</b></p> <p>25 Q. Okay. You were rejected from that, though;</p>
<p style="text-align: right;">Page 100</p> <p>1 right?</p> <p>2 <b>A. Yes, yes.</b></p> <p>3 Q. Just so we're clear. That had nothing to do</p> <p>4 with Bruce Weber; correct?</p> <p>5 <b>A. Correct.</b></p> <p>6 Q. What do you remember about Bruce Weber, why you</p> <p>7 wanted to get in front of him?</p> <p>8 <b>A. I knew that he made the careers of a lot of</b></p> <p>9 <b>successful male models.</b></p> <p>10 Q. Name one. Did you know any of them?</p> <p>11 <b>A. I didn't know any of them personally.</b></p> <p>12 Q. Did you talk to any of them?</p> <p>13 <b>A. Well, I know Jason Morgan shot with him, Nathan</b></p> <p>14 <b>Owens shot with him.</b></p> <p>15 Q. When did you learn these things? Like, when did</p> <p>16 you talk to Jason Morgan?</p> <p>17 <b>A. 2014.</b></p> <p>18 Q. Okay. But you started wanting to get in front</p> <p>19 of Bruce Weber in 2010 --</p> <p>20 <b>A. Correct.</b></p> <p>21 Q. -- or '09.</p> <p>22 <b>A. Right.</b></p> <p>23 Q. So what did you know about Bruce Weber in 2009</p> <p>24 or 2010? And why did you want to get in front of him so</p> <p>25 bad?</p>	<p style="text-align: right;">Page 101</p> <p>1 <b>A. I knew that -- I'm sorry, I didn't mean to</b></p> <p>2 <b>interrupt you.</b></p> <p>3 Q. That's okay.</p> <p>4 <b>A. I knew that he shot the Abercrombie campaigns,</b></p> <p>5 <b>which appealed to me. I'm sorry, I thought you were</b></p> <p>6 <b>signalling me or something. That appealed to me. So I</b></p> <p>7 <b>knew that he was a very prominent photographer that shot</b></p> <p>8 <b>a lot of male models and shot a lot of work, so I wanted</b></p> <p>9 <b>to shoot with him. I liked his style of shooting.</b></p> <p>10 Q. Mostly provocative --</p> <p>11 <b>A. Black and white.</b></p> <p>12 Q. -- male pictures. As a matter of fact, I mean,</p> <p>13 he was iconic and known for skyrocketing men in the</p> <p>14 industry; right?</p> <p>15 <b>A. He was.</b></p> <p>16 Q. Or you didn't even know that?</p> <p>17 <b>A. He was, yes.</b></p> <p>18 Q. Now, you knew that David -- in 2010, you knew</p> <p>19 that?</p> <p>20 <b>A. Yes.</b></p> <p>21 Q. And you asked David Todd, back then, if he could</p> <p>22 get you in front of him?</p> <p>23 <b>A. Yes, I had had multiple meetings with him in his</b></p> <p>24 <b>office. And he told me how close he was with Bruce</b></p> <p>25 <b>Weber, and how he could -- I would be perfect for Bruce</b></p>



<p style="text-align: right;">Page 102</p> <p><b>1 Weber, so I -- I wanted to shoot with him, I did.</b></p> <p>2 Q. Okay. But you said that -- I mean, you don't</p> <p>3 mean to say that it was David Todd's idea. It was your</p> <p>4 idea.</p> <p><b>5 A. To what, shoot with him?</b></p> <p>6 Q. To shoot with Bruce Weber.</p> <p><b>7 A. It was our idea.</b></p> <p>8 Q. I'm sorry?</p> <p><b>9 A. It was our idea.</b></p> <p>10 Q. Okay. But you wrote to him and said, "Can you</p> <p>11 get me a shoot with Bruce Weber?"</p> <p><b>12 A. Yes -- yeah, absolutely.</b></p> <p>13 Q. Okay. So despite all the rejections, year after</p> <p>14 year, you believed that a big photographer, like Bruce</p> <p>15 Weber, was going to see something that photographers who</p> <p>16 had been photographing you for five years hadn't seen</p> <p>17 yet; right?</p> <p><b>18 A. Yes.</b></p> <p>19 Q. You were hoping that if you got in front of</p> <p>20 Bruce Weber, that he would see something that casting</p> <p>21 agents, hundreds of them, didn't see when they were</p> <p>22 rejecting you; right?</p> <p><b>23 A. Yes.</b></p> <p>24 Q. You were hoping that if you could get in front</p> <p>25 of Bruce Weber, that the heavens were going to open,</p>	<p style="text-align: right;">Page 103</p> <p>1 something was going to happen, that was going to put you</p> <p>2 on the radar?</p> <p><b>3 A. Yes, I thought he had that type of power.</b></p> <p>4 Q. What made you think that you had that type of</p> <p>5 look after being rejected for four years that anything</p> <p>6 would change if Bruce Weber took your picture?</p> <p><b>7 A. I believed in myself.</b></p> <p>8 Q. And that was the basis?</p> <p><b>9 A. That, and my agents telling me that I had that</b></p> <p><b>10 look.</b></p> <p>11 Q. Okay. Well, they never said you had that look</p> <p>12 for Bruce Weber and he's going to make you a star. So</p> <p>13 let's be clear; right?</p> <p><b>14 A. Actually, yes, they -- in meetings, yes. David</b></p> <p><b>15 Todd told me on multiple occasions that I had a look</b></p> <p><b>16 that Bruce Weber would like, and that he was going to</b></p> <p><b>17 push me to Bruce Weber.</b></p> <p>18 Q. But the truth of the matter is that -- well,</p> <p>19 we'll get to those statements.</p> <p>20 Do you agree that -- as David Todd said -- I</p> <p>21 asked David Todd in deposition, if you read his</p> <p>22 deposition, "Was Jason Boyce just kind of wishing and</p> <p>23 hoping that something would happen that never had</p> <p>24 happened before?"</p> <p>25 And David Todd's answer was, "Basically, hoping.</p>
<p style="text-align: right;">Page 104</p> <p>1 Yeah, maybe wishing. Wishing."</p> <p>2 Do you agree with that?</p> <p><b>3 A. Sure, I had hope.</b></p> <p>4 Q. And it was more like you were wishing and hoping</p> <p>5 that something could happen, but it wasn't based on</p> <p>6 anything in reality, was it?</p> <p><b>7 A. I was hopeful, and I did wish that I could shoot</b></p> <p><b>8 with Bruce and -- yes.</b></p> <p>9 Q. Now, in 2010, when you went to the A&amp;F shoot,</p> <p>10 there was a casting director there; right?</p> <p><b>11 A. The A&amp;F casting?</b></p> <p>12 Q. Uh-huh.</p> <p><b>13 A. Yeah, it wasn't a shoot.</b></p> <p>14 Q. I'm sorry, when you went to the A&amp;F casting,</p> <p>15 there was a casting director there?</p> <p><b>16 A. Correct.</b></p> <p>17 Q. There was a creative team there?</p> <p><b>18 A. I believe so, yes.</b></p> <p>19 Q. And can you explain the process for selecting a</p> <p>20 model at a casting? Do you know how that works, even?</p> <p><b>21 A. I know that going to a casting, you sign in.</b></p> <p><b>22 They take polaroids of you. They usually have you fill</b></p> <p><b>23 out a slate, so your name, your height, your weight.</b></p> <p><b>24 You told it, they take pictures, and then that's all I</b></p> <p><b>25 know.</b></p>	<p style="text-align: right;">Page 105</p> <p>1 Q. And I think we already showed it previously, but</p> <p>2 I just want to make a record of it, that in 2010, you</p> <p>3 said that you want Bruce to meet you; right? And you</p> <p>4 want to meet Bruce.</p> <p>5 "Do you think I'll get a chance to meet Bruce</p> <p>6 Weber?" You're suggesting that --</p> <p><b>7 A. Yeah.</b></p> <p>8 Q. Right? Okay. And in 2011, again, you brought</p> <p>9 it up to David Todd, "Is there any way that you could</p> <p>10 get me in front of Bruce Weber?"</p> <p><b>11 A. Yes, but, again, those are e-mails. We had had</b></p> <p><b>12 in-person discussions that he said that he was going to</b></p> <p><b>13 get me in front of Bruce Weber, or try to get me in</b></p> <p><b>14 front of Bruce Weber. So that's me following up.</b></p> <p>15 Q. Okay. And -- well, it doesn't say, I'm</p> <p>16 following up.</p> <p>17 As a matter of fact, it says, from you, Jason</p> <p>18 Boyce -- what does that say on the bottom? "Hey, DT."</p> <p><b>19 A. "Hey, DT, happy Monday. Hey, can I go -- can I</b></p> <p><b>20 go-see with Bruce Weber? Is he in New York right now?"</b></p> <p>21 Q. So that's not a follow-up of, hey, you said that</p> <p>22 Bruce Weber would -- you know, whatever. That's you</p> <p>23 reaching out to David Todd -- which is -- there's no</p> <p>24 reason -- there's nothing wrong with it. But, again,</p> <p>25 you're reaching out and saying, hey, David, you know,</p>

<p style="text-align: right;">Page 106</p> <p>1 can you get me in front of Bruce Weber; agreed?</p> <p>2 <b>A. Yes -- yes. This was in 2011 when I was with</b></p> <p>3 <b>major. I wasn't seeing a lot of people. I had had</b></p> <p>4 <b>conversations with David before I left, and David had a</b></p> <p>5 <b>list of people that he wanted me to see; Bruce Weber</b></p> <p>6 <b>being one of them. So I was trying to push, yes, can</b></p> <p>7 <b>somebody get me to go see Bruce Weber, like I was told I</b></p> <p>8 <b>would.</b></p> <p>9 Q. Okay. I forgot, so I'm just going to ask you</p> <p>10 again. Did you read David Todd's deposition or no?</p> <p>11 <b>A. No.</b></p> <p>12 Q. Now, David Todd did get you a go-see at Bruce</p> <p>13 Weber's studio in 2011, didn't he?</p> <p>14 <b>A. I don't recall. It wasn't with Bruce Weber.</b></p> <p>15 Q. It was with Dawn Thomason. Do you remember?</p> <p>16 "Boxy face." Do you remember? Because you -- do you</p> <p>17 remember that?</p> <p>18 <b>A. No. She has a boxy face? Is that what you're</b></p> <p>19 <b>telling me? Oh, me, I have a boxy face.</b></p> <p>20 Q. You've posted on your social media -- you've</p> <p>21 kind of made fun of it, actually, that she --</p> <p>22 <b>A. Oh, she said -- oh -- yes.</b></p> <p>23 Q. She said you had a boxy face.</p> <p>24 <b>A. Right.</b></p> <p>25 Q. She is a representative and somebody who works</p>	<p style="text-align: right;">Page 107</p> <p>1 with Bruce Weber; right?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. So she would kind of know what Bruce Weber</p> <p>4 likes; right?</p> <p>5 <b>A. Sure.</b></p> <p>6 Q. Okay. So you go to see Dawn; right? You go to</p> <p>7 a go-see with Dawn Thomason, or you don't remember?</p> <p>8 <b>A. Again, I don't remember, but -- I don't</b></p> <p>9 <b>remember.</b></p> <p>10 Q. You don't remember -- you don't remember going</p> <p>11 -- and, again, when you went to -- you don't remember</p> <p>12 going to the Little Bear studio?</p> <p>13 <b>A. Was this in LA or New York?</b></p> <p>14 Q. In New York. Weren't you all excited to go have</p> <p>15 a go-see at Bruce Weber's studio?</p> <p>16 <b>A. It was a long time ago.</b></p> <p>17 Q. I'm going to show you Exhibit No. 24 and ask if</p> <p>18 this refreshes your recollection.</p> <p>19 (Exhibit 24 marked.)</p> <p>20 BY MS. WEINTRAUB:</p> <p>21 Q. Do you recognize these pictures?</p> <p>22 <b>A. That's me -- yeah.</b></p> <p>23 Q. Okay. You say yeah, you're looking at an e-mail</p> <p>24 from Dawn Thomason to Bruce; right? With Bruce Weber,</p> <p>25 and it says -- what does it say?</p>
<p style="text-align: right;">Page 108</p> <p>1 <b>A. It says, "Bruce, saw this guy today, sweet guy,</b></p> <p>2 <b>but has a very boxy face, nice body. He is from Cali</b></p> <p>3 <b>and is here for the summer. He is a surfer and a</b></p> <p>4 <b>snowboarder. He is 23 years old. What do you think?"</b></p> <p>5 <b>XO, DT."</b></p> <p>6 Q. DT meaning David Todd?</p> <p>7 <b>A. David Todd, correct.</b></p> <p>8 Q. And what's the date of that?</p> <p>9 <b>A. That is April 20th, 2011.</b></p> <p>10 Q. Okay. And that's pretty typical of a go-see,</p> <p>11 you take quick pictures. You're in and out; right?</p> <p>12 <b>A. Correct.</b></p> <p>13 Q. Okay. Nothing came from that; right?</p> <p>14 <b>A. Nothing came from that.</b></p> <p>15 Q. Were you disappointed?</p> <p>16 <b>A. Probably.</b></p> <p>17 Q. Did it cause you to question that maybe you were</p> <p>18 wrong that you were the right look for Bruce Weber in</p> <p>19 your mind? Because he rejected -- you were rejected for</p> <p>20 the A&amp;F where he was shooting, and you're rejected now</p> <p>21 for the go-see and studio for him; right?</p> <p>22 <b>A. Yeah, there were times where I thought I wasn't</b></p> <p>23 <b>good enough.</b></p> <p>24 Q. Okay. Were you disappointed nothing came of</p> <p>25 that?</p>	<p style="text-align: right;">Page 109</p> <p>1 <b>A. I probably was, yes.</b></p> <p>2 Q. I mean, you were so sure that Bruce Weber was</p> <p>3 going to --</p> <p>4 <b>A. I was very hopeful.</b></p> <p>5 Q. You were very hopeful, for no reason, that Bruce</p> <p>6 Weber was going to think so highly of you; fair?</p> <p>7 <b>A. I was very hopeful, because my agents told me</b></p> <p>8 <b>that I had a good look, and that Bruce Weber would like</b></p> <p>9 <b>me.</b></p> <p>10 Q. Okay. But they didn't -- but nobody ever</p> <p>11 reached out to you, so, obviously, they weren't right</p> <p>12 about that, were they?</p> <p>13 <b>A. Apparently.</b></p> <p>14 Q. Didn't it occur to you, at this point, that</p> <p>15 maybe modeling wasn't for you?</p> <p>16 <b>A. I had periods, yes, where I thought that.</b></p> <p>17 Q. Why didn't you stop pursuing the idea of trying</p> <p>18 to get in front of Bruce Weber after two shots, already,</p> <p>19 by 2011?</p> <p>20 <b>A. I wanted to be successful. I still believe, I</b></p> <p>21 <b>still had hope that I could shoot with him, and</b></p> <p>22 <b>something could come of it.</b></p> <p>23 Q. Do you think that every person that Bruce Weber</p> <p>24 shoots, something comes of?</p> <p>25 <b>A. Probably not, but I don't know.</b></p>

JASON BOYCE

July 09, 2019

<p style="text-align: right;">Page 114</p> <p>1 remember sending another one the following year? He's</p> <p>2 very bossy.</p> <p>3 MR. ETRA: Make a copy at a break.</p> <p>4 BY MS. WEINTRAUB:</p> <p>5 Q. Here's the question. Do you recognize it?</p> <p>6 <b>A. I do, yes.</b></p> <p>7 Q. Okay. Did you take that picture to send to</p> <p>8 Bruce Weber, what we just showed you?</p> <p>9 <b>A. I don't remember.</b></p> <p>10 MS. LEVINE-GRONNINGSATER: Can we mark it as an</p> <p>11 exhibit so it's on the record. You can give me a copy</p> <p>12 later, if you need to.</p> <p>13 MS. WEINTRAUB: 26.</p> <p>14 (Exhibit 26 marked.)</p> <p>15 BY MS. WEINTRAUB:</p> <p>16 Q. Yes, that picture was taken, sent to Bruce Weber</p> <p>17 by David Todd, 2014; right?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. Now, earlier in 2014, you texted David Todd</p> <p>20 about maybe sending another nude to Bruce Weber or</p> <p>21 somebody.</p> <p>22 Do you remember that?</p> <p>23 <b>A. I don't remember that.</b></p> <p>24 MR. BERNSTEIN: 946.</p> <p>25 MS. WEINTRAUB: Twenty-seven.</p>	<p style="text-align: right;">Page 115</p> <p>1 (Exhibit 27 marked.)</p> <p>2 BY MS. WEINTRAUB:</p> <p>3 Q. "If I take a naked one, maybe send it to Bruce</p> <p>4 Weber or somebody."</p> <p>5 That's you writing a text to David Todd, is it</p> <p>6 not?</p> <p>7 MS. LEVINE-GRONNINGSATER: Objection, that's not</p> <p>8 what it says.</p> <p>9 MS. WEINTRAUB: "If I take a naked one, maybe</p> <p>10 send it to a Bruce Weber or somebody," that is what it</p> <p>11 says.</p> <p>12 MS. LEVINE-GRONNINGSATER: "A Bruce Weber."</p> <p>13 <b>THE WITNESS: "Send it to a Bruce Weber or</b></p> <p>14 <b>somebody."</b></p> <p>15 BY MS. WEINTRAUB:</p> <p>16 Q. Right?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. By that time, you were 28 years old?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. Fair to say you were getting a little more</p> <p>21 desperate to get some work?</p> <p>22 <b>A. More desperate? I mean...</b></p> <p>23 Q. Well, by December 2014, we've already</p> <p>24 established you didn't make any money modeling, getting</p> <p>25 frustrated?</p>
<p style="text-align: right;">Page 116</p> <p>1 <b>A. I wanted to work.</b></p> <p>2 Q. Would you agree that it was frustrating?</p> <p>3 <b>A. Yeah, to a point. I wanted to work.</b></p> <p>4 Q. So I would imagine you were frustrated and</p> <p>5 disappointed that you weren't able to get work, week</p> <p>6 after week, month after month, the whole year --</p> <p>7 MS. LEVINE-GRONNINGSATER: Objection --</p> <p>8 MS. WEINTRAUB: -- weren't you?</p> <p>9 MS. LEVINE-GRONNINGSATER: Is there a question?</p> <p>10 BY MS. WEINTRAUB:</p> <p>11 Q. Weren't you?</p> <p>12 <b>A. I know that I wanted to get work.</b></p> <p>13 Q. Okay. Well, my question is, weren't you</p> <p>14 frustrated or disappointed --</p> <p>15 <b>A. There were times where I was frustrated and</b></p> <p>16 <b>times where I was disappointed that I was not getting</b></p> <p>17 <b>work, yes.</b></p> <p>18 Q. Now, it wasn't until Jason Kanner later reached</p> <p>19 out with a non nude, as we talked about already, in</p> <p>20 December 2014, that a go-see was actually set up with</p> <p>21 Bruce Weber; correct?</p> <p>22 <b>A. Correct. There was a time where David Todd sent</b></p> <p>23 <b>a nude to Bruce. And the only reason we didn't meet up</b></p> <p>24 <b>is because I was on a job and I couldn't leave to go</b></p> <p>25 <b>meet with him. He wanted me to meet with him in his</b></p>	<p style="text-align: right;">Page 117</p> <p>1 <b>hotel, I believe.</b></p> <p>2 Q. And when was that?</p> <p>3 <b>A. 2000- -- it's in one of these.</b></p> <p>4 Q. And why do you say that he wanted you to meet in</p> <p>5 a hotel?</p> <p>6 <b>A. Because that's where he was.</b></p> <p>7 Q. You're sure of that?</p> <p>8 <b>A. That's what David told me.</b></p> <p>9 Q. And that's your sworn testimony?</p> <p>10 <b>A. Yeah, he called me. I was in my trailer. I was</b></p> <p>11 <b>on a commercial shoot for Lexus. He called me ---</b></p> <p>12 Q. When was this?</p> <p>13 <b>A. 2012, I believe. He called me. He said that</b></p> <p>14 <b>Bruce -- can you leave right now, Bruce wants to meet</b></p> <p>15 <b>with you. And I said I can't leave set. And he said,</b></p> <p>16 <b>okay, I'll try and get another date. And it just never</b></p> <p>17 <b>worked out, because I'm sure Bruce is a very busy guy.</b></p> <p>18 Q. So listen to my question.</p> <p>19 <b>A. Okay.</b></p> <p>20 Q. There was nothing that was set up in 2012. He</p> <p>21 might have been willing to see you, but there was</p> <p>22 nothing set up. Agreed? Yes or no.</p> <p>23 <b>A. I mean that's kind of how a go-see works.</b></p> <p>24 Q. Well, doesn't a go-see kind of work like you set</p> <p>25 something up? How long exact- -- did that Lexus</p>



<p style="text-align: right;">Page 118</p> <p>1 commerc- -- let me finish -- how long did the Lexus 2 commercial last, filming? 3 <b>A. Two days.</b> 4 Q. Okay. So in two days after that, why don't I 5 see a text, can you please set that up now? Hey, DT, 6 what happened with setting up a -- the Bruce Weber 7 go-see? Where are those texts? 8 <b>A. I believe I did contact him.</b> 9 Q. Where's the text? 10 <b>A. I don't think it was through text. I believe I</b> 11 <b>called him. And he said that, you know, Bruce was busy;</b> 12 <b>that basically my -- my time had passed. He couldn't</b> 13 <b>meet up with me at that time.</b> 14 Q. Okay. So, obviously, he wasn't that interested 15 in pursuing you, that nothing happened again for two or 16 three more years; right? 17 MS. LEVINE-GRONNINGSATER: Objection, form. 18 <b>THE WITNESS: I don't know. I don't know what</b> 19 <b>he was thinking, but I know that it was set up. Go-sees</b> 20 <b>are sometimes formal and sometimes informal.</b> 21 BY MS. WEINTRAUB: 22 Q. Was it set up or he was asking where you were? 23 I mean, let's be very -- 24 <b>A. Okay.</b> 25 Q. -- particular about words.</p>	<p style="text-align: right;">Page 119</p> <p>1 Because I'm going to challenge you and say he 2 might have been willing to see you because David Todd 3 was asking. There was no mention of a hotel at all. 4 And I'll also remind you that you're under oath. 5 Do you have a recollection of anything being set 6 up more than he's asking where you are. 7 <b>A. My recollection is, on the phone call, he said</b> 8 <b>that Bruce was willing to meet me right now, if I was</b> 9 <b>willing to meet him. From what I remember, my</b> 10 <b>recollection, Bruce was at a hotel, somewhere in</b> 11 <b>Los Angeles. That was on the phone call.</b> 12 Q. And so you said to David Todd, oh, my God, I can 13 meet him tonight. 14 <b>A. No.</b> 15 Q. Because you couldn't leave? 16 <b>A. No, I was there until probably 2:00 in the</b> 17 <b>morning.</b> 18 Q. At the go-see for Bruce Weber in December, 19 didn't you expect to take nude shots with Bruce Weber at 20 that go-see just like you did with Darren Tieste? 21 <b>A. I knew that it was a possibility, but I didn't</b> 22 <b>know, for sure.</b> 23 Q. Well, you said that one of the things that you 24 -- you were familiar with Bruce Weber's work? 25 <b>A. Yes.</b></p>
<p style="text-align: right;">Page 120</p> <p>1 Q. And you know that he's known for his nude black 2 and whites of men? 3 <b>A. Yes.</b> 4 Q. So what did you expect when you were going to 5 shoot with him, that it wouldn't be a nude shoot? 6 <b>A. Not all of his pictures are nude.</b> 7 Q. You were certainly willing to do a nude shoot, 8 weren't you? 9 <b>A. Yes.</b> 10 Q. Because that's why you were sending him the 11 nudes; right? 12 <b>A. I was willing to do a nude shoot.</b> 13 Q. And you were sending Bruce Weber nude pictures 14 of you, weren't you? 15 <b>A. My agent, at my behalf, was sending.</b> 16 Q. Nude pictures? 17 <b>A. Nude pictures.</b> 18 Q. Of you? 19 <b>A. Of me.</b> 20 Q. So 2009, '10, '11, '12, we've talked about '13 21 and '14, the nudes, nothing comes of, you're not shot or 22 seen by Bruce Weber. 23 Agreed? 24 <b>A. Agreed.</b> 25 Q. Despite all of that, Jason Kanner sends him no</p>	<p style="text-align: right;">Page 121</p> <p>1 nudes, thanks him, and gets it -- a go-see arranged for 2 December; right? 3 <b>A. Correct.</b> 4 Q. Why were you still pursuing Bruce Weber after 5 five years? 6 <b>A. I wanted to shoot with him.</b> 7 Q. Hmm? 8 <b>A. I wanted to work with him.</b> 9 Q. Did you ever reach out to anyone else that had 10 shot with Bruce Weber? 11 <b>A. Models?</b> 12 Q. Yeah. 13 <b>A. I don't recall.</b> 14 Q. So there were, like, three years of trying to 15 get Bruce Weber to notice you, and for whatever reason, 16 like so many others, you were rejected. 17 Agreed? 18 <b>A. Agreed.</b> 19 Q. And did you know that David Todd said that he's 20 never had a model so relentlessly pursue one 21 photographer in his whole life. 22 Did you know that? 23 <b>A. I didn't know that.</b> 24 Q. Are you surprised to hear that? 25 <b>A. A little, yeah.</b></p>

<p style="text-align: right;">Page 126</p> <p>1 it, didn't you?</p> <p>2 <b>A. No, I didn't.</b></p> <p>3 Q. You weren't interested?</p> <p>4 <b>A. I mean, I was, but I just -- I never got it. I</b></p> <p>5 <b>don't know -- it's a regular -- readily available</b></p> <p>6 <b>magazine.</b></p> <p>7 Q. Did you get any bookings from that?</p> <p>8 <b>A. Not that I remember.</b></p> <p>9 Q. Okay. So did the stars turn over for you?</p> <p>10 <b>A. No, they didn't.</b></p> <p>11 Q. Heavens didn't open?</p> <p>12 <b>A. No.</b></p> <p>13 Q. No great opportunities coming?</p> <p>14 <b>A. Not that --</b></p> <p>15 Q. Correct?</p> <p>16 <b>A. From that shoot, not that I remember, no.</b></p> <p>17 Q. You see where I'm going? Steven Klein's a big</p> <p>18 prominent photographer. Yes?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. You shot with Steven Klein.</p> <p>21 <b>A. I did.</b></p> <p>22 Q. Nothing came of it; right? No big opportunities</p> <p>23 came from it; correct? We just went through this. You</p> <p>24 want it read back to you?</p> <p>25 MS. LEVINE-GRONNINGSATER: Objection.</p>	<p style="text-align: right;">Page 127</p> <p>1 BY MS. WEINTRAUB:</p> <p>2 Q. I'm being serious. Do you want it read back to</p> <p>3 you?</p> <p>4 MS. LEVINE-GRONNINGSATER: You're being</p> <p>5 argumentative.</p> <p>6 MS. WEINTRAUB: No, I'm not.</p> <p>7 <b>THE WITNESS: I understand what you're saying --</b></p> <p>8 <b>yeah, no, no.</b></p> <p>9 BY MS. WEINTRAUB:</p> <p>10 Q. So prominent photographer, you wanted to get in</p> <p>11 front of him, there are a bunch of e-mails about Bruce</p> <p>12 Weber and Steven Klein; right?</p> <p>13 <b>A. Uh-huh.</b></p> <p>14 Q. Yes or no?</p> <p>15 <b>A. I'm sorry, yes.</b></p> <p>16 Q. It's okay. And the reason you wanted to get in</p> <p>17 front of a prominent photographer is because you thought</p> <p>18 heaven and earth is going to open, and you're going to</p> <p>19 nail it with opportunities. Yes, basically?</p> <p>20 <b>A. Yeah.</b></p> <p>21 Q. Okay. That did not happen with Steven Klein?</p> <p>22 <b>A. It did not.</b></p> <p>23 Q. What basis did you have in reality to think it</p> <p>24 would happen with Bruce Weber?</p> <p>25 MS. LEVINE-GRONNINGSATER: Objection, form.</p>
<p style="text-align: right;">Page 128</p> <p>1 BY MS. WEINTRAUB:</p> <p>2 Q. If any. And if it's a wish, you can say that.</p> <p>3 <b>A. I was determined. I wanted to -- I wanted to</b></p> <p>4 <b>shoot with Bruce Weber. I wanted to shoot with as many</b></p> <p>5 <b>prominent photographers as I could.</b></p> <p>6 Q. But when you did shoot with a prominent</p> <p>7 photographer, nothing happened. Didn't you --</p> <p>8 <b>A. One instance, yes, it didn't happen.</b></p> <p>9 Q. Okay. Do you -- when you were little, did you</p> <p>10 believe in Santa Clause?</p> <p>11 <b>A. I did.</b></p> <p>12 Q. So there comes a time when you don't; right?</p> <p>13 <b>A. Sure.</b></p> <p>14 Q. Okay. My question is, like that little kid</p> <p>15 believing in Santa Clause, doesn't there come a time</p> <p>16 when you are faced with reality, that Santa Clause</p> <p>17 doesn't really exist?</p> <p>18 <b>A. I believe there's a difference between your</b></p> <p>19 <b>career and believing in Santa Clause.</b></p> <p>20 Q. Who's Joe Lally?</p> <p>21 <b>A. He is a photographer.</b></p> <p>22 Q. And he took some pictures for your book?</p> <p>23 <b>A. Yes, he did.</b></p> <p>24 Q. You asked him to send pictures to Jason Kanner</p> <p>25 and David Todd, your agents; right?</p>	<p style="text-align: right;">Page 129</p> <p>1 <b>A. Uh-huh.</b></p> <p>2 Q. "Yes"?</p> <p>3 <b>A. Joe Lally, yes.</b></p> <p>4 Q. You also asked him to send pictures to Bruce</p> <p>5 Weber?</p> <p>6 <b>A. Yes, on the shoot, he talked about how close he</b></p> <p>7 <b>was with Bruce Weber. He told me that I would have a</b></p> <p>8 <b>great look for Bruce Weber.</b></p> <p>9 Q. Who -- let me guess -- who brought up Bruce</p> <p>10 Weber at this discussion with Joe Lally?</p> <p>11 <b>A. I don't remember.</b></p> <p>12 Q. It was you; right?</p> <p>13 <b>A. I don't remember.</b></p> <p>14 Q. Didn't you ask him if he knew Bruce Weber?</p> <p>15 <b>A. I don't remember.</b></p> <p>16 Q. Because -- I mean, this is just another person</p> <p>17 that you're asking, do you know Bruce Weber? And can</p> <p>18 you get this to Bruce Weber for me; right?</p> <p>19 <b>A. Yes, he said he knew him, said he was close with</b></p> <p>20 <b>him, said that I had a great look for him.</b></p> <p>21 Q. November 24th, Jason Kanner tells you that he</p> <p>22 finally got Bruce Weber to agree to a go-see; yes?</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. When -- and Jason told you that this was really</p> <p>25 big, and he just did this big favor for Bruce Weber with</p>

JASON BOYCE

July 09, 2019

<p style="text-align: right;">Page 130</p> <p>1 Barney's, and he's gonna do this -- so you gotta do --</p> <p>2 you know, gotta do this right; right?</p> <p>3 <b>A. He told me that this was a big opportunity for</b></p> <p>4 <b>me.</b></p> <p>5 Q. Did he have to tell you that?</p> <p>6 <b>A. Probably not. I knew it was a big opportunity,</b></p> <p>7 <b>but he told me it was a big opportunity.</b></p> <p>8 Q. It was your words that it was -- an opportunity</p> <p>9 that you had been trying to get year after year after</p> <p>10 year. This is what you wanted.</p> <p>11 <b>A. I mean, yes, it's what I wanted, but it's also</b></p> <p>12 <b>what my agent wants, as well. It's advantageous for</b></p> <p>13 <b>both of us.</b></p> <p>14 Q. November 24th, when Kanner tells you all this,</p> <p>15 he tells you -- he gives you Bruce Weber's phone number.</p> <p>16 And he said Bruce Weber said to call him; right?</p> <p>17 <b>A. Correct.</b></p> <p>18 Q. And you did?</p> <p>19 <b>A. I did.</b></p> <p>20 Q. That night, you took a selfie of yourself;</p> <p>21 right?</p> <p>22 <b>A. Yes.</b></p> <p>23 Q. To send to Bruce Weber; right?</p> <p>24 <b>A. Correct.</b></p> <p>25 Q. You tell him what a pleasure it was to talk to</p>	<p style="text-align: right;">Page 131</p> <p>1 him, or whatever; right? Do you remember this?</p> <p>2 <b>A. That sounds right, yes.</b></p> <p>3 Q. We're going to get it for you.</p> <p>4 <b>A. Okay, thank you.</b></p> <p>5 Q. And you write, "Now I'm going to get to work on</p> <p>6 my love handles."</p> <p>7 Do you remember that?</p> <p>8 <b>A. Yeah.</b></p> <p>9 (Exhibit 30 marked.)</p> <p>10 BY MS. WEINTRAUB:</p> <p>11 Q. So this is Exhibit 30. And I'm showing you</p> <p>12 conversation by text from March 14th, 2015, "Thank you,</p> <p>13 Mr. Weber. See you soon. I'm going to work on my love</p> <p>14 handles." Yes?</p> <p>15 <b>A. Yep.</b></p> <p>16 Q. You sent that to Bruce Weber?</p> <p>17 <b>A. I did.</b></p> <p>18 Q. On December 12th, Jason Kanner calls and tells</p> <p>19 you to go meet him -- go meet Bruce Weber at Tiffany's;</p> <p>20 right?</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. What was your reaction? You were excited;</p> <p>23 right?</p> <p>24 <b>A. Yeah, I was very excited.</b></p> <p>25 Q. What happened when you went there, when you went</p>
<p style="text-align: right;">Page 132</p> <p>1 to Tiffany's?</p> <p>2 <b>A. From what I recall, he was looking at jewelry.</b></p> <p>3 <b>He asked me to wait outside.</b></p> <p>4 Q. It was Christmastime?</p> <p>5 <b>A. Yes -- yeah.</b></p> <p>6 Q. Busy?</p> <p>7 <b>A. Yeah --</b></p> <p>8 Q. The store was busy?</p> <p>9 <b>A. Yeah, it was a really small jewelry shop. It</b></p> <p>10 <b>was just kinda -- from what I remember, where we were,</b></p> <p>11 <b>it was pretty small.</b></p> <p>12 Q. You mean the department that you were in</p> <p>13 Tiffany's?</p> <p>14 <b>A. I don't --</b></p> <p>15 Q. You don't rem- -- hold on, let me take this way</p> <p>16 back.</p> <p>17 Did you go to Tiffany's, or is it another</p> <p>18 jewelry store you're talking about?</p> <p>19 <b>A. From my recollection, it was a different jewelry</b></p> <p>20 <b>store. I don't remember being in Tiffany's. It was</b></p> <p>21 <b>like a boutique jewelry store.</b></p> <p>22 Q. Did Jason Kanner text you where to go?</p> <p>23 <b>A. I believe so.</b></p> <p>24 Q. Fair to say that obviously being able to just</p> <p>25 meet Bruce Weber at that point, face-to-face, was kind</p>	<p style="text-align: right;">Page 133</p> <p>1 of a dream come true at that point?</p> <p>2 <b>A. It was a very big opportunity, yes.</b></p> <p>3 Q. Would you agree it was a dream come true?</p> <p>4 <b>A. It was a very big opportunity.</b></p> <p>5 Q. It was something you had been dreaming about and</p> <p>6 pursuing for fix or six years. Aside from being a big</p> <p>7 opportunity, wouldn't you agree it was a dream come true</p> <p>8 to just be meeting him? Yes or no.</p> <p>9 <b>A. It was a big opportunity for me I was very</b></p> <p>10 <b>excited about.</b></p> <p>11 Q. I need you to answer the question yes or no.</p> <p>12 <b>A. I wouldn't categorize it as a dream come true.</b></p> <p>13 Q. Well, weren't you wishing and hoping to get with</p> <p>14 Bruce Weber?</p> <p>15 <b>A. Sure, but I wasn't dreaming about Bruce Weber.</b></p> <p>16 <b>I wasn't -- I wasn't in love with Bruce Weber. I wanted</b></p> <p>17 <b>to --</b></p> <p>18 Q. I didn't ask you that. You're being kind of</p> <p>19 defensive, to be honest.</p> <p>20 <b>A. I'm just trying to clarify what I'm saying.</b></p> <p>21 <b>It's not -- I wasn't dreaming about it, you know. It</b></p> <p>22 <b>was a big opportunity. It was an opportunity I had</b></p> <p>23 <b>strived for, for many years. Like business, when you</b></p> <p>24 <b>get a business opportunity, you're excited.</b></p> <p>25 Q. Okay. Well, you're talking about, like,</p>

<p style="text-align: right;">Page 134</p> <p>1 business. We have very different --</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. -- understandings, because this pre-summer</p> <p>4 update with your penis hanging out and zoomed in penises</p> <p>5 all over the place, for business, isn't my idea of</p> <p>6 business. So I can't understand your answer. That's</p> <p>7 why I need you to answer in my language --</p> <p>8 <b>A. Okay.</b></p> <p>9 Q. -- which is, it seems to me, as if -- I don't</p> <p>10 mean literally, dreaming, fantasizing. I mean, you were</p> <p>11 dreaming, striving, desperate, trying year after year,</p> <p>12 persistently to get in front of this man, and you</p> <p>13 finally do.</p> <p>14 Wasn't that a dream come true?</p> <p>15 MS. LEVINE-GRONNINGSATER: Objection,</p> <p>16 argumentative; asked and answered. He's answered in his</p> <p>17 language. It's not -- you can't keep asking the same</p> <p>18 question just because you don't like the answer that</p> <p>19 he's given.</p> <p>20 <b>THE WITNESS: So can I clarify about the</b></p> <p>21 <b>different worlds? Business in modeling and business in</b></p> <p>22 <b>your world are two separate things. We can get into the</b></p> <p>23 <b>business in modeling if we want to. But it is -- that</b></p> <p>24 <b>is business in modeling.</b></p> <p>25 <b>///</b></p>	<p style="text-align: right;">Page 135</p> <p>1 BY MS. WEINTRAUB:</p> <p>2 Q. Hold on. Mark Ricketson said he wouldn't do</p> <p>3 things like --</p> <p>4 <b>A. That's one person.</b></p> <p>5 Q. Hold on. You gotta let me finish the question.</p> <p>6 <b>A. Sorry.</b></p> <p>7 Q. Mark Ricketson wouldn't cross the line and do</p> <p>8 things like this; right?</p> <p>9 <b>A. Correct.</b></p> <p>10 Q. And -- actually, he shot with Bruce Weber</p> <p>11 several times, didn't he?</p> <p>12 <b>A. He did.</b></p> <p>13 Q. And, actually, Mark Ricketson, who's still a</p> <p>14 model, was pretty successful, wasn't he?</p> <p>15 <b>A. You would have to ask him.</b></p> <p>16 Q. You said it was before --</p> <p>17 <b>A. He's still working. So in my estimation, but</b></p> <p>18 <b>his definition might be different than mine.</b></p> <p>19 Q. Okay, fair enough.</p> <p>20 From a professional perspective, would you agree</p> <p>21 that it had been -- the meeting was something that you</p> <p>22 had aspired to for years?</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. Would you agree that it was something that you,</p> <p>25 as David Todd said, relentlessly pursued year after</p>
<p style="text-align: right;">Page 136</p> <p>1 year?</p> <p>2 <b>A. I pursued it, yes, I did.</b></p> <p>3 Q. And so why don't you agree it was a dream come</p> <p>4 true, just to meet the guy?</p> <p>5 MS. LEVINE-GRONNINGSATER: Objection,</p> <p>6 argumentative.</p> <p>7 <b>THE WITNESS: All I can tell you is, in my mind,</b></p> <p>8 <b>I was ecstatic that I would have the opportunity to work</b></p> <p>9 <b>with him. Whether we became best friends or not, that</b></p> <p>10 <b>did not matter to me.</b></p> <p>11 MS. WEINTRAUB: I didn't ask you about being</p> <p>12 best friends.</p> <p>13 <b>THE WITNESS: Understood. I'm just clarifying</b></p> <p>14 <b>the difference.</b></p> <p>15 BY MS. WEINTRAUB:</p> <p>16 Q. So Bruce Weber was Christmas shopping.</p> <p>17 MS. LEVINE-GRONNINGSATER: Objection, form.</p> <p>18 BY MS. WEINTRAUB:</p> <p>19 Q. Bruce Weber was Christmas shopping when you met</p> <p>20 him?</p> <p>21 <b>A. He was shopping, yes.</b></p> <p>22 Q. And he told you, and you had to wait ten minutes</p> <p>23 or something?</p> <p>24 <b>A. Yeah, he asked if I could wait outside.</b></p> <p>25 Q. And how long did you wait?</p>	<p style="text-align: right;">Page 137</p> <p>1 <b>A. About five, ten minutes.</b></p> <p>2 Q. Were you annoyed or were you happy to wait?</p> <p>3 <b>A. No, it was fine.</b></p> <p>4 Q. So you weren't annoyed, you were happy to wait?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. Now, the purpose of meeting Bruce Weber at</p> <p>7 Tiffany's was to figure out what he wanted to do at the</p> <p>8 go-see; right? It was to meet you and talk to you for a</p> <p>9 few minutes?</p> <p>10 <b>A. So that meeting was the go-see. That meeting at</b></p> <p>11 <b>the jewelry store was the go-see.</b></p> <p>12 Q. He took pictures of you, though?</p> <p>13 <b>A. No, he didn't.</b></p> <p>14 Q. Didn't he tell you what to wear at the go-see?</p> <p>15 <b>A. He told me what to wear for the test shoot. He</b></p> <p>16 <b>told me not to shave for the test shoot.</b></p> <p>17 Q. And those were the words that he used?</p> <p>18 <b>A. Don't shave?</b></p> <p>19 Q. "Test shoot."</p> <p>20 <b>A. That's the words that my agent used.</b></p> <p>21 Q. In the texts and the e-mails that we've seen,</p> <p>22 they're all a go-see. So show me where he says "test</p> <p>23 shoot."</p> <p>24 <b>A. Again, talking with him, personally, it was a</b></p> <p>25 <b>test shoot in my -- from what I was told, it was a test</b></p>

<p style="text-align: right;">Page 138</p> <p><b>1 shoot; the go-see was meeting him at the jewelry store.</b></p> <p>2 Q. And once again, just coincidentally, there's no</p> <p>3 document of that, is there?</p> <p><b>4 A. Apparently not.</b></p> <p>5 Q. Bruce Weber told you what to wear?</p> <p><b>6 A. I don't recall that. I just remember he asked</b></p> <p><b>7 me not to shave.</b></p> <p>8 Q. By the way, there was no discussion about</p> <p>9 whether or not he was going to take some pictures for</p> <p>10 you; right? It had already been agreed to. We've</p> <p>11 already covered that.</p> <p><b>12 A. Yes.</b></p> <p>13 Q. Okay. So the decision had been made that he was</p> <p>14 going to photograph you; correct?</p> <p>15 MS. LEVINE-GRONNINGSATER: Objection, calls for</p> <p>16 speculation.</p> <p>17 MS. WEINTRAUB: We've already talked about all</p> <p>18 that with -- we're just going backwards now. We talked</p> <p>19 about November, Jason Kanner told you that Bruce Weber</p> <p>20 agreed to take some pictures for you; you said yes.</p> <p><b>21 THE WITNESS: To my recollection, yes.</b></p> <p>22 BY MS. WEINTRAUB:</p> <p>23 Q. Okay. So now my question is, it wasn't as if</p> <p>24 Bruce Weber is pursuing you now. You're still pursuing</p> <p>25 him, you want him to take pictures. This is the</p>	<p style="text-align: right;">Page 139</p> <p>1 invitation from Jason Kanner with Bruce Weber; right?</p> <p>2 MS. LEVINE-GRONNINGSATER: Objection.</p> <p>3 MS. WEINTRAUB: You have to answer this.</p> <p><b>4 THE WITNESS: Can you rephrase that for me?</b></p> <p>5 MS. WEINTRAUB: Yes, I can.</p> <p>6 BY MS. WEINTRAUB:</p> <p>7 Q. So there was no decision at -- when you met at</p> <p>8 the jewelry store that -- whether or not Bruce Weber was</p> <p>9 going to photograph you. He was telling you what to</p> <p>10 wear for the photographs; correct?</p> <p>11 MS. LEVINE-GRONNINGSATER: Objection.</p> <p>12 MS. WEINTRAUB: You can answer the question.</p> <p><b>13 THE WITNESS: Bruce Weber said that he would set</b></p> <p><b>14 it up with Jason, and he told me not to shave.</b></p> <p>15 BY MS. WEINTRAUB:</p> <p>16 Q. Because it was a done deal that he'd already</p> <p>17 agreed to Jason that he would take the pictures;</p> <p>18 correct?</p> <p>19 MS. LEVINE-GRONNINGSATER: Objection.</p> <p><b>20 THE WITNESS: At the -- are you talking about</b></p> <p><b>21 before I met him at the jewelry store?</b></p> <p>22 MS. WEINTRAUB: Yes.</p> <p>23 MS. LEVINE-GRONNINGSATER: I don't know.</p> <p>24 BY MS. WEINTRAUB:</p> <p>25 Q. You didn't know?</p>
<p style="text-align: right;">Page 140</p> <p><b>1 A. No, not that I remember.</b></p> <p>2 Q. Okay. So is it your position that Bruce Weber</p> <p>3 initiated this in wanting to take your pictures.</p> <p>4 Is that really your position?</p> <p><b>5 A. My recollection is that from the go-see -- after</b></p> <p><b>6 the go-see --</b></p> <p>7 Q. Let's not talk about go-see, because I don't</p> <p>8 know what you're talking about.</p> <p>9 MS. LEVINE-GRONNINGSATER: Counsel, you need to</p> <p>10 let him finish answering the question.</p> <p><b>11 THE WITNESS: So, from my recollection, the</b></p> <p><b>12 meeting that we had at the jewelry store, I didn't know</b></p> <p><b>13 whether he was going to shoot me yet or not, from my</b></p> <p><b>14 recollection.</b></p> <p>15 MS. WEINTRAUB: Let's take a break. Lunch is</p> <p>16 here, let's take a break. Is that okay?</p> <p>17 MS. LEVINE-GRONNINGSATER: Agreed.</p> <p>18 THE VIDEOGRAPHER: We are now going off the</p> <p>19 video record. The time is approximately 1:23 p.m.</p> <p>20 (Off the record.)</p> <p>21 THE VIDEOGRAPHER: We are now going back on the</p> <p>22 video record. The time is approximately 2:05 p.m.</p> <p>23 MS. WEINTRAUB: Oh, okay, yeah, yeah, okay,</p> <p>24 okay, okay, okay, okay -- all right. I'm going to put</p> <p>25 you in a corner. All right.</p>	<p style="text-align: right;">Page 141</p> <p>1 BY MS. WEINTRAUB:</p> <p>2 Q. I just want to go back to two things and have</p> <p>3 you clarify them for me. There was a conversation --</p> <p>4 I'm not even going to start to go into the weeds of</p> <p>5 these numbers and look for an exhibit. But there was a</p> <p>6 conversation we talked about, November 2014, where you</p> <p>7 called Bruce and you, then, sent him the -- I'll give</p> <p>8 you a context. You then sent him the love handles text</p> <p>9 after.</p> <p>10 Do you remember that? You don't have to go --</p> <p><b>11 A. Is that this one right here?</b></p> <p>12 Q. Exactly.</p> <p><b>13 A. All right.</b></p> <p>14 Q. Okay. So I just want you to go into context of</p> <p>15 where I'm going to question you, okay?</p> <p>16 So that picture came about because prior to</p> <p>17 that -- first, there was a conversation between you and</p> <p>18 Jason Kanner, and he tells you that he got Bruce -- and</p> <p>19 we already went through that. He got Bruce to take --</p> <p>20 agree to take pictures of you. Right? That's November</p> <p>21 of 2014? Yes?</p> <p>22 MS. LEVINE-GRONNINGSATER: Objection.</p> <p>23 BY MS. WEINTRAUB:</p> <p>24 Q. Yes?</p> <p><b>25 A. In November of 2014, after the -- after I met</b></p>



Page 142

1 **Bruce, at the jewelry store --**

2 Q. No, no. And I don't mean to cut you off, but  
3 I'm going to cut you off because that's not where I am.

4 **A. Before that.**

5 Q. Nov- -- yeah. November -- when you first found  
6 out, you -- that he agreed to shoot you, okay?

7 **A. Yes.**

8 Q. Jason Kanner calls you and says, here's Bruce  
9 Weber's phone number, he wants you to call him, and you  
10 called him.

11 MS. LEVINE-GRONNINGSATER: Objection, misstates  
12 prior testimony.

13 BY MS. WEINTRAUB:

14 Q. Do you remember that?

15 **A. I remember -- I remember calling him, but I -- I**  
16 **didn't know he was going to shoot me until after I met**  
17 **with him at -- at the jewelry store.**

18 Q. Okay. So my question is -- I need you to focus,  
19 keep going back.

20 **A. Okay.**

21 Q. The focus is on the conversation you had with  
22 Bruce Weber.

23 **A. Okay.**

24 Q. November 2014. That's where we are, that's  
25 where I'm questioning you.

Page 144

1 wherever?

2 **A. Yes.**

3 Q. Tell me what the conversation was at Tiffany's  
4 or whatever.

5 **A. Okay. It was -- again, he asked me how long I'd**  
6 **been in New York, he asked me, you know, where I was**  
7 **from, a lot of small talk.**

8 Q. How long did you talk to him?

9 MS. LEVINE-GRONNINGSATER: Counsel, please let  
10 the witness finish answering the question and then you  
11 can ask another question.

12 MS. WEINTRAUB: Answer the ques- -- I -- I did  
13 let him finish the answer. He said it was a lot of  
14 small talk, and I wanted to know how long was this  
15 conversation.

16 MS. LEVINE-GRONNINGSATER: Were you finished  
17 answering the question?

18 **THE WITNESS: I wasn't, but... I don't remember**  
19 **exactly. It was probably 15 minutes, 20 minutes, tops.**  
20 **From what I recollect, from what I recall. And, again,**  
21 **you know, he said that I had a great look and --**

22 BY MS. WEINTRAUB:

23 Q. Say that again, I didn't hear you.

24 **A. He said that I had a great look and he wanted me**  
25 **to keep -- I had some stubble at the time. He said, you**

Page 143

1 **A. Okay.**

2 Q. Tell me what that conversation was. Did you  
3 say, hi, Mr. Weber, this is Jason Boyce?

4 **A. Yes, small talk.**

5 Q. Okay. So tell me, to the best of your  
6 recollection -- I mean, this was a big deal. You were  
7 talking to Bruce Weber finally. What did he tell you?  
8 Or you don't remember any of that?

9 **A. I mean, I remember it was unimportant, small**  
10 **talk.**

11 Q. And that's it?

12 **A. Yeah.**

13 Q. Then you hang up the phone?

14 **A. Yes.**

15 Q. Nothing else of any consequence happens then;  
16 right?

17 **A. Not that I remember.**

18 Q. And then you send the text; right?

19 **A. I did send this will text, yes.**

20 Q. And the text says, sorry, the connection was a  
21 little bad. Such a pleasure talking to you. Now I'm  
22 going to go work on my love handles?

23 **A. Yes, yes.**

24 Q. Okay. After that, the next communication with  
25 Bruce Weber is at the jewelry store, Tiffany's, or

Page 145

1 **know, keep that stubble, you know, when I shoot you.**

2 Q. What else did he say?

3 **A. That's all I remember.**

4 Q. Did he tell you what to wear?

5 **A. I don't remember him telling me what to wear.**

6 Q. Okay. That was it?

7 **A. To the best of my knowledge, yes, that's it.**

8 Q. Okay. Now, on -- it was left that Jason Kanner,  
9 your agent, and Bruce Weber were going to arrange the  
10 details of when he was going to take your picture and  
11 where; yes?

12 **A. Yes.**

13 Q. So how do you find out where to go?

14 **A. Jason Kanner.**

15 Q. Jason Kanner tells you that -- what?

16 **A. He told me the time and the place where Bruce**  
17 **was going to meet me.**

18 Q. What time was that?

19 **A. I don't remember the exact time.**

20 Q. What date were you going to meet?

21 **A. I don't remember the exact date. It was early**  
22 **-- I believe December, I believe. I don't -- I don't**  
23 **recall the exact date.**

24 Q. Was it -- it was -- well, looking at Exhibit 31,  
25 it's an e-mail from Jason Kanner to Bruce Weber;

Page 146

1 subject: Jason Boyce. "I know Jason Boyce has been  
2 trying to set up a time to see you."  
3 How were you trying to set up a time to see him?  
4 **A. I don't remember.**  
5 Q. "I know you're busy. I really appreciate that  
6 you'll see him. Let me know if there's anything I can  
7 do to help. Also, thank you for putting Braden on hold.  
8 I'm so glad you like him."  
9 That's Exhibit 31; agreed?  
10 **A. Yes.**  
11 (Exhibit 31 marked.)  
12 BY MS. WEINTRAUB:  
13 Q. So Kanner is saying here, if you can read it --  
14 **A. Uh-huh.**  
15 Q. -- that he appreciates Bruce making the time to  
16 see him -- meaning you as the him; right?  
17 **A. Yeah.**  
18 Q. Okay. So December 15th, it was arranged that  
19 you would go to the Little Bear studio; right? At some  
20 point. You have to say "yes" or "no."  
21 **A. Yes, yes, at some point.**  
22 Q. You didn't have to pay for these pictures;  
23 right?  
24 **A. I don't think so.**  
25 Q. Well, you know you didn't; right?

Page 148

1 Q. Right? You were hoping that if somebody saw  
2 pictures that Bruce Weber took of you, that somebody  
3 else might want you to do something and -- and -- it  
4 would be another opportunity; yes?  
5 **A. Yes.**  
6 Q. Okay. It wasn't like a casting, it wasn't for  
7 anything specific; correct?  
8 **A. It was not for a specific job.**  
9 Q. Okay. Who told you to say that it was an  
10 interview with Bruce Weber?  
11 **A. Nobody told me to say it was an interview with**  
12 **Bruce Weber.**  
13 Q. Is this the very first time that you're  
14 referring to this shoot as an interview?  
15 **A. Myself? No.**  
16 Q. Yes. No, you've talked about it before?  
17 **A. I have, yes.**  
18 Q. Where?  
19 **A. I've talked about it with Anna.**  
20 Q. Let's talk about that day. Do you have a good  
21 recall of that day?  
22 **A. Pretty good recall.**  
23 Q. Okay. You need to keep your voice up.  
24 **A. I'm sorry.**  
25 Q. I know that it's after lunch, but we still have

Page 147

1 **A. Well, not necessarily. Sometimes you'll go on a**  
2 **test shoot and you'll get a bill from your agency six**  
3 **months later that you owe them \$600 for that test shoot.**  
4 **But they don't really disclose that before you go.**  
5 Q. Okay. So let's talk about -- what's this test  
6 shoot for?  
7 **A. With Bruce Weber?**  
8 Q. Uh-huh.  
9 **A. It was to -- it was -- I would characterize it**  
10 **as an interview with Bruce Weber.**  
11 Q. Well, you say it's a test shoot.  
12 **A. Right.**  
13 Q. Okay. So what was the test for?  
14 **A. To see if he can work well with you, if he likes**  
15 **you, if he wants to use you for any future projects that**  
16 **he has.**  
17 Q. Those were all the things that you expressed  
18 earlier that you were hoping; right?  
19 **A. Sure.**  
20 Q. Okay. You were hoping, if he took your picture,  
21 that he would pick you for something; right?  
22 **A. Yes.**  
23 Q. You were hoping that if he liked you, that maybe  
24 it would lead to another bigger opportunity?  
25 **A. Yes.**

Page 149

1 to speak loud enough so that it can be transcribed  
2 properly.  
3 Do you have a good recall of that day?  
4 **A. I have a good recall of that incident, I do,**  
5 **that day.**  
6 Q. Okay. So what day of the week was it?  
7 **A. I don't remember.**  
8 Q. Was it cold out?  
9 **A. I don't remember.**  
10 Q. Can you see the image in your mind of going to  
11 the door?  
12 **A. I can. I can see the image of me --**  
13 Q. What are you wearing?  
14 MS. LEVINE-GRONNINGSATER: Counsel, please let  
15 him finish answering the question.  
16 MS. WEINTRAUB: Your tone of voice has got to  
17 stop, please.  
18 MS. LEVINE-GRONNINGSATER: You need to stop  
19 interrupting him.  
20 MS. WEINTRAUB: I thought he was finished.  
21 MS. LEVINE-GRONNINGSATER: He was not finished  
22 and it was very clear that he was not finished.  
23 MS. WEINTRAUB: I'm not going to engage with  
24 you. I'm really not.  
25 MS. LEVINE-GRONNINGSATER: I'll keep objecting.

JASON BOYCE

July 09, 2019

<p style="text-align: right;">Page 150</p> <p>1 And eventually what's going to happen is we're going to</p> <p>2 have to call it. I'm going to have to go get a</p> <p>3 protective order --</p> <p>4 MS. WEINTRAUB: I'm going to minus -- you want</p> <p>5 to have a whole litany of stuff, and go off the record,</p> <p>6 we can do that, or you can just --</p> <p>7 MS. LEVINE-GRONNINGSATER: I'm happy -- I think</p> <p>8 this should be on the record.</p> <p>9 MS. WEINTRAUB: I don't like your tone of voice</p> <p>10 with me --</p> <p>11 MS. LEVINE-GRONNINGSATER: I don't like that you</p> <p>12 keep interrupting him, Counsel.</p> <p>13 MS. WEINTRAUB: It wasn't intentional.</p> <p>14 MS. LEVINE-GRONNINGSATER: I'm just reminding</p> <p>15 you, politely, please, stop interrupting the witness.</p> <p>16 <b>THE WITNESS: I do not remember what I was</b></p> <p>17 <b>wearing that day.</b></p> <p>18 BY MS. WEINTRAUB:</p> <p>19 Q. You have a clear recollection of it, the day?</p> <p>20 <b>A. About the day?</b></p> <p>21 Q. Uh-huh.</p> <p>22 <b>A. I have a clear recollection of the incident of</b></p> <p>23 <b>that day, yes.</b></p> <p>24 Q. Okay. So when I say clear recollection, I need</p> <p>25 to know that you have a -- a mental picture, in your</p>	<p style="text-align: right;">Page 151</p> <p>1 mind, of what you're saying. Okay? That's my</p> <p>2 understanding of a clear image.</p> <p>3 <b>A. Okay.</b></p> <p>4 Q. Do you have a clear image of going to the door?</p> <p>5 <b>A. I do.</b></p> <p>6 Q. Ringing the bell?</p> <p>7 <b>A. I have a clear image of checking with security</b></p> <p>8 <b>and going up an elevator.</b></p> <p>9 Q. What did you have to do with security when you</p> <p>10 checked in?</p> <p>11 <b>A. Sign in.</b></p> <p>12 Q. Do you remember the address?</p> <p>13 <b>A. I do not.</b></p> <p>14 Q. Where were you coming from?</p> <p>15 <b>A. I don't remember.</b></p> <p>16 Q. What time was it?</p> <p>17 <b>A. Midday.</b></p> <p>18 Q. Do you remember?</p> <p>19 <b>A. I don't remember the exact time, no, I don't.</b></p> <p>20 Q. Do you remember if it was midday or are you</p> <p>21 guessing?</p> <p>22 <b>A. I remember it was midday.</b></p> <p>23 Q. Okay. So you signed in with security and there</p> <p>24 was an elevator?</p> <p>25 <b>A. From what I remember, yes.</b></p>
<p style="text-align: right;">Page 152</p> <p>1 Q. And what number in the elevator did you push?</p> <p>2 <b>A. I don't remember.</b></p> <p>3 Q. Was it a regular elevator or that you just --</p> <p>4 there were numbers in there?</p> <p>5 <b>A. There were numbers in there.</b></p> <p>6 Q. Was there an elevator man?</p> <p>7 <b>A. I don't believe there was.</b></p> <p>8 Q. Was there a receptionist there?</p> <p>9 <b>A. In Little Bear Studios?</b></p> <p>10 Q. Uh-huh.</p> <p>11 <b>A. Not that I remember.</b></p> <p>12 Q. Was there a doorman?</p> <p>13 <b>A. Not a doorman.</b></p> <p>14 Q. You say there was a security person?</p> <p>15 <b>A. That was in the lobby of the building, yes.</b></p> <p>16 Q. Who greeted you when you arrived?</p> <p>17 <b>A. I don't remember their name. I remember that</b></p> <p>18 <b>there were two people there.</b></p> <p>19 Q. Men or women?</p> <p>20 <b>A. I know -- I know one of them was a man. I'm not</b></p> <p>21 <b>-- I don't know why -- I don't know what the other one</b></p> <p>22 <b>was.</b></p> <p>23 Q. Can you describe what they looked like?</p> <p>24 <b>A. No.</b></p> <p>25 Q. Age?</p>	<p style="text-align: right;">Page 153</p> <p>1 <b>A. No.</b></p> <p>2 Q. What were they doing? Were they working?</p> <p>3 <b>A. I guess, I don't know.</b></p> <p>4 Q. Okay. Were there other people working when you</p> <p>5 got there?</p> <p>6 <b>A. I only remember two people there.</b></p> <p>7 Q. And you don't remember what they were doing?</p> <p>8 <b>A. No. Besides showing me in, sorry.</b></p> <p>9 Q. Okay. Was this the same space that you had been</p> <p>10 in, in 2011, when you saw Dawn?</p> <p>11 <b>A. I'm not confident -- I'm not confident. I think</b></p> <p>12 <b>so. I think it was.</b></p> <p>13 Q. You had your phone?</p> <p>14 <b>A. I did.</b></p> <p>15 Q. You take selfies all the time, obviously. We</p> <p>16 don't need to go into them again; right? But it seems</p> <p>17 pretty often you're taking pictures or selfies. Now</p> <p>18 you're in Little Bear Studio with Bruce Weber.</p> <p>19 Did you take pictures on your phone?</p> <p>20 <b>A. Nope.</b></p> <p>21 Q. Why?</p> <p>22 <b>A. I didn't think that was the right setting to do</b></p> <p>23 <b>that.</b></p> <p>24 Q. Okay. Describe what you see when you -- when</p> <p>25 the elevator opens, when you get out. Where do you go?</p>



JASON BOYCE

July 09, 2019

<p style="text-align: right;">Page 154</p> <p>1 A. I remember walking straight ahead. The door was  2 right in front of the elevator from what I remember.  3 Q. What door?  4 A. The door into Little Bear Studios.  5 Q. You were walking by yourself?  6 A. Yes.  7 Q. And that's when you saw the two other people?  8 A. Yes.  9 Q. And then what?  10 A. They said hello -- I told them --  11 Q. I'm sorry?  12 A. They said hello.  13 Q. The man and woman?  14 A. Yes.  15 Q. Okay.  16 A. I told them my name. They -- it seemed like  17 they were expecting me. She showed me to a couch that  18 was next to a kitchen. I sat down on the couch, and  19 they said, Bruce will be here shortly, do you want  20 anything to drink; I said no. And then I just -- that  21 was it. I waited for Bruce to get there.  22 Q. Okay. And you're sitting on the couch, and when  23 did you see Mr. Weber?  24 A. It was about ten minutes later, and he came in.  25 Q. Okay. Where does he come from?</p>	<p style="text-align: right;">Page 155</p> <p>1 A. My back was towards the front of the studio, so  2 I wasn't sure where he came from.  3 Q. Okay. And where do you -- do you go somewhere  4 with Mr. Weber?  5 A. Yes.  6 Q. Where?  7 A. So in the back corner, it's like a back left  8 corner, if I'm remembering correctly -- because I  9 remember windows in front of me -- there's a big sliding  10 door, and it was back in that room.  11 Q. Okay. Again, you have an image in your mind,  12 he's leading you into the studio --  13 A. Him --  14 Q. You can see that?  15 A. I can see him and the other two people were  16 there, as well.  17 Q. Okay. You said there's a sliding door. Was it  18 closed?  19 A. After -- not when we first walked in, I don't  20 believe.  21 Q. Who closed the door -- I'm sorry.  22 A. When she showed me in, there was a bench. Like  23 a -- kind of like a picnic bench of sorts. So I sat  24 down there. Bruce Weber had a discussion with one of  25 the assistants for like a minute or the two --</p>
<p style="text-align: right;">Page 156</p> <p>1 Q. The man or the woman?  2 A. I can't recall.  3 Q. Is that who you recall -- I just want to know,  4 is there another assistant you're talking to?  5 A. No, the two people, that's it.  6 Q. Okay, okay.  7 A. They discussed something very quickly, and then  8 they left and closed the door behind them.  9 Q. So who closed the door?  10 A. I don't know.  11 Q. But the doors were closed?  12 A. The doors were closed.  13 Q. And was it locked?  14 A. Not that I remember.  15 Q. And can you describe the door? You said it's a  16 sliding door.  17 A. From what I recall, I believe it was a sliding  18 door.  19 Q. Okay. But it's closed shut?  20 A. It's closed shut.  21 Q. Okay. And you don't know if it's locked?  22 A. I don't know.  23 Q. Okay. And you're on the inside of this closed  24 door with Bruce Weber and who else?  25 A. Just me and Bruce.</p>	<p style="text-align: right;">Page 157</p> <p>1 Q. Okay. And the kitchen is right nearby?  2 A. It's outside the room.  3 Q. Okay. Were the cameras set up for the shoot?  4 A. He has -- I don't know the name of the camera.  5 It's like an old school camera that he has to, like,  6 windup, I guess -- I don't know what's that's called.  7 Q. It was a digital camera; right?  8 A. I don't know --  9 Q. Or was it film?  10 A. I think it was film. I'm not sure -- I had  11 never seen -- it wasn't like your Nokia camera, from  12 what I remember. But he had a couple of cameras with  13 him and then they were on the table.  14 Q. What table?  15 A. The picnic bench looking table that I was at.  16 Q. Okay. What was Bruce wearing?  17 A. I know -- all I know is he had a scarf on. He  18 had clothes on, obviously, but I don't remember exactly  19 what he was wearing besides the scarf.  20 Q. Okay. Have you -- you've seen many pictures of  21 Bruce Weber?  22 A. Yes.  23 Q. Have you ever seen Bruce Weber without the  24 scarf?  25 A. No, I have not.</p>

JASON BOYCE

July 09, 2019

<p style="text-align: right;">Page 162</p> <p>1 BY MS. WEINTRAUB:</p> <p>2 Q. Okay. Do you know how many windows there are?</p> <p>3 You drew two --</p> <p>4 <b>A. I drew two. I don't know, for a fact, how many</b></p> <p>5 <b>windows there were.</b></p> <p>6 Q. Okay. And then there's a bench over there?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. Okay. Nothing else is in the room?</p> <p>9 <b>A. Not that I remember.</b></p> <p>10 Q. No chairs, no tables, nothing?</p> <p>11 <b>A. Not that I remember.</b></p> <p>12 Q. Lamps?</p> <p>13 <b>A. There could have been, I don't remember.</b></p> <p>14 Q. Okay. You finally meet Bruce Weber. You were</p> <p>15 excited?</p> <p>16 <b>A. Yes.</b></p> <p>17 Q. Happy?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. In a good mood?</p> <p>20 <b>A. Yes.</b></p> <p>21 Q. What were you wearing?</p> <p>22 <b>A. I don't remember.</b></p> <p>23 Q. Okay. How long would you estimate that you were</p> <p>24 there from the time that you got out of the elevator to</p> <p>25 the time that you got back into the elevator?</p>	<p style="text-align: right;">Page 163</p> <p>1 <b>A. Forty-five minutes, an hour.</b></p> <p>2 Q. Do you know?</p> <p>3 <b>A. I don't know, precisely, how long I was there,</b></p> <p>4 <b>but I know that it was a long time.</b></p> <p>5 Q. You do know that it was a long time?</p> <p>6 <b>A. From my recollection, it was 45 minutes to an</b></p> <p>7 <b>hour.</b></p> <p>8 Q. Okay. You said that -- and I can only go by</p> <p>9 your complaint -- you said that Bruce Weber started</p> <p>10 taking pictures right away. Is that true? You have to</p> <p>11 say yes or no.</p> <p>12 <b>A. Yes, after we had talked a little bit, we sat</b></p> <p>13 <b>down at this table here.</b></p> <p>14 Q. Okay.</p> <p>15 <b>A. We talked for about five minutes --</b></p> <p>16 Q. Hold on. When you say "we sat down," did he sit</p> <p>17 down, too?</p> <p>18 <b>A. Yes, Bruce Weber did sit down.</b></p> <p>19 Q. And where did you sit and where did he sit?</p> <p>20 <b>A. I sat here, he sat next to me.</b></p> <p>21 Q. So can you put even a stick figure, put a line,</p> <p>22 and put your name -- or your initials and his initials?</p> <p>23 <b>A. So I was sitting here at this bench; recalling</b></p> <p>24 <b>now, he had a chair.</b></p> <p>25 Q. Oh, so now there's a chair in the room?</p>
<p style="text-align: right;">Page 164</p> <p>1 <b>A. There is a chair in the room.</b></p> <p>2 Q. What's it look like?</p> <p>3 <b>A. I don't remember what it looked like. But he</b></p> <p>4 <b>pulled a chair up here. So Bruce was -- Bruce was</b></p> <p>5 <b>sitting here, I was sitting on this bench.</b></p> <p>6 Q. And he began to photograph you?</p> <p>7 <b>A. Not here.</b></p> <p>8 Q. Okay. He started talking to you?</p> <p>9 <b>A. He started talking to me.</b></p> <p>10 Q. What does he say?</p> <p>11 <b>A. He says, you know, that he's excited to do the</b></p> <p>12 <b>shoot. He didn't really say a lot. And then --</b></p> <p>13 Q. Hold on. What did you say?</p> <p>14 MS. LEVINE-GRONNINGSATER: Counsel, please let</p> <p>15 him finish. Even if you think he's answering something</p> <p>16 that you didn't ask, please let him finish, and then you</p> <p>17 can follow-up.</p> <p>18 <b>THE WITNESS: I don't recall what I said.</b></p> <p>19 BY MS. WEINTRAUB:</p> <p>20 Q. Okay. And you don't recall what he said?</p> <p>21 <b>A. No.</b></p> <p>22 Q. Okay. How long would you say you sat there?</p> <p>23 <b>A. Five, maybe ten minutes.</b></p> <p>24 Q. He takes -- he takes one or two pictures of you?</p> <p>25 <b>A. Yes.</b></p>	<p style="text-align: right;">Page 165</p> <p>1 Q. Okay. And does he say anything?</p> <p>2 <b>A. He said that I look tense. And then we sat back</b></p> <p>3 <b>down. I sat back down at this bench; he sat back down</b></p> <p>4 <b>on this chair. And he pulled out -- I don't remember</b></p> <p>5 <b>what the container was, but it had some type of oil in</b></p> <p>6 <b>it. And --</b></p> <p>7 Q. Okay. Hold on, before you go on a narrative,</p> <p>8 because there's no question. I want to talk about the</p> <p>9 oil, before you go past that.</p> <p>10 <b>A. Okay.</b></p> <p>11 Q. So where did this oil come from?</p> <p>12 <b>A. He had a bag with him. He had a bag and he had</b></p> <p>13 <b>his cameras with him.</b></p> <p>14 Q. What kind of bag? Describe it.</p> <p>15 <b>A. I don't know. I know it was like a satchel --</b></p> <p>16 <b>is that the term for it?</b></p> <p>17 Q. I have no idea what you're talking about, so I</p> <p>18 don't know.</p> <p>19 <b>A. Okay. Well, that's what I think it was.</b></p> <p>20 Q. Okay. Is it on his body?</p> <p>21 <b>A. It was on his body when he walked in the room</b></p> <p>22 <b>and he sat it on the table.</b></p> <p>23 Q. Describe what it looked like. How big is it?</p> <p>24 <b>A. I don't remember.</b></p> <p>25 Q. And you say he takes oil out of there?</p>

JASON BOYCE

July 09, 2019

<p style="text-align: right;">Page 166</p> <p>1 <b>A. Yes.</b></p> <p>2 Q. Okay. And what does he do with the oil?</p> <p>3 <b>A. He dipped his thumb in it and then proceeded to</b></p> <p>4 <b>do circles on my forehead.</b></p> <p>5 Q. And not saying a word?</p> <p>6 <b>A. Besides that I looked tense, but, no, he didn't</b></p> <p>7 <b>say a word.</b></p> <p>8 Q. Okay. And his camera is where?</p> <p>9 <b>A. I don't know, on the table, I would guess.</b></p> <p>10 Q. Don't -- that's the one thing I really don't</p> <p>11 want you to do, is guess. Nobody here wants you to</p> <p>12 guess. If you don't remember, say I don't know.</p> <p>13 <b>A. I don't know.</b></p> <p>14 Q. Okay. So he has his camera on him, to begin</p> <p>15 with, you said. He takes oil out of a satchel that you</p> <p>16 can't describe, puts it on your forehead?</p> <p>17 <b>A. Correct.</b></p> <p>18 Q. Okay. And then he takes a picture?</p> <p>19 <b>A. After a few minutes of him doing the rubbing of</b></p> <p>20 <b>the oil on my forehead, yes, tells me to stand back up</b></p> <p>21 <b>and shoots a few more shots.</b></p> <p>22 Q. Okay. What did the oil smell like?</p> <p>23 <b>A. I don't remember.</b></p> <p>24 Q. You use essential oils; right?</p> <p>25 <b>A. I have, yes.</b></p>	<p style="text-align: right;">Page 167</p> <p>1 Q. So you're familiar with different kinds of oils?</p> <p>2 <b>A. I'm not an expert on them.</b></p> <p>3 Q. I didn't ask you if you're an expert on them.</p> <p>4 <b>A. I'm familiar with a type of oil.</b></p> <p>5 Q. Was this a type of oil that you're familiar</p> <p>6 with?</p> <p>7 <b>A. No, it was like -- I don't know what it was.</b></p> <p>8 Q. Okay. So I'm going to show you what's now been</p> <p>9 marked as 34.</p> <p>10 MS. LEVINE-GRONNINGSATER: 33, maybe?</p> <p>11 MS. WEINTRAUB: Okay.</p> <p>12 <b>THE WITNESS: I think -- I have 31.</b></p> <p>13 MS. WEINTRAUB: This is 32.</p> <p>14 (Exhibit 33 marked.)</p> <p>15 BY MS. WEINTRAUB:</p> <p>16 Q. Okay. So in the complaint, which you said that</p> <p>17 you stand by, it says that he rubbed the oil on your</p> <p>18 forehead; is that right?</p> <p>19 <b>A. Uh-huh.</b></p> <p>20 Q. You have to say "yes" or "no."</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. And he then took one or more photographs of you?</p> <p>23 <b>A. From what I remember, yes.</b></p> <p>24 Q. Okay. Well, that's what's in the complaint.</p> <p>25 Are you saying what's in the complaint is accurate or</p>
<p style="text-align: right;">Page 168</p> <p>1 not accurate?</p> <p>2 <b>A. Yes, to the best of my knowledge, that is</b></p> <p>3 <b>accurate.</b></p> <p>4 Q. Were you standing or were you sitting?</p> <p>5 <b>A. Which -- when?</b></p> <p>6 Q. When he put oil on you.</p> <p>7 <b>A. Sitting.</b></p> <p>8 Q. And when you took the picture?</p> <p>9 <b>A. I was standing, I believe.</b></p> <p>10 Q. Okay. So what you said so far, just so we're</p> <p>11 clear, is, he took one or two pictures, then he stopped.</p> <p>12 Then he took oil out of his satchel, began rubbing oil</p> <p>13 on you, and then he took one or more -- two more</p> <p>14 photographs. That's the chronology in the complaint.</p> <p>15 Is that accurate, to the best of your memory?</p> <p>16 <b>A. To the best of my memory.</b></p> <p>17 Q. Where was Bruce Weber when he took the picture</p> <p>18 -- the first two pictures of you?</p> <p>19 <b>A. Kind of in the center of the room. There's a</b></p> <p>20 <b>wall here. I remember --</b></p> <p>21 Q. Is this a big room?</p> <p>22 <b>A. Not --</b></p> <p>23 MS. LEVINE-GRONNINGSATER: Counsel, you just</p> <p>24 interrupted him. He said "I remember," and then you</p> <p>25 asked him another question. Now, we'll never know what</p>	<p style="text-align: right;">Page 169</p> <p>1 he remembered.</p> <p>2 <b>THE WITNESS: I don't remember. It wasn't a</b></p> <p>3 <b>tiny room, but I don't remember a big, huge room.</b></p> <p>4 BY MS. WEINTRAUB:</p> <p>5 Q. Okay.</p> <p>6 <b>A. So he was center of the room and I was close to</b></p> <p>7 <b>the wall.</b></p> <p>8 Q. Were you standing?</p> <p>9 <b>A. From what I remember, yes. I took photos with</b></p> <p>10 <b>him standing and sitting, I believe.</b></p> <p>11 Q. You don't remember?</p> <p>12 <b>A. I'm not 100 percent sure.</b></p> <p>13 Q. Are you 90 percent sure?</p> <p>14 <b>A. I'm not going to quantify it.</b></p> <p>15 Q. You have no idea; right?</p> <p>16 <b>A. If whether I was standing or sitting? I know I</b></p> <p>17 <b>was standing.</b></p> <p>18 Q. Okay. So I'm going to show you the contact</p> <p>19 sheets. By the way, how many pictures do you think that</p> <p>20 were taken?</p> <p>21 <b>A. Twenty.</b></p> <p>22 Q. Okay. Would it surprise you to learn 30 were</p> <p>23 taken, three roles of film?</p> <p>24 <b>A. Yeah, that sounds about right.</b></p> <p>25 Q. And -- so to go back again. The first two were</p>

JASON BOYCE

July 09, 2019

<p style="text-align: right;">Page 170</p> <p>1 taken and then the next two were after he rubbed oil on</p> <p>2 you. And you said that you were standing somewhere near</p> <p>3 the wall?</p> <p>4 <b>A. When he took the pictures?</b></p> <p>5 Q. Yeah, that's what you said; right?</p> <p>6 <b>A. That's what I remember.</b></p> <p>7 Q. Okay. So the first ten pictures are of you</p> <p>8 sitting down; correct?</p> <p>9 <b>A. Yeah.</b></p> <p>10 Q. So can you show me -- I'm going to show you --</p> <p>11 we'll go over each roll. These are the first ten.</p> <p>12 According to what you just said, three and four</p> <p>13 --</p> <p>14 <b>A. Uh-huh.</b></p> <p>15 Q. -- would have oil on them. Do you notice any</p> <p>16 difference in these pictures?</p> <p>17 <b>A. Do I notice any difference?</b></p> <p>18 Q. Yeah, on your forehead?</p> <p>19 <b>A. I mean, I don't know. No, it looks the same.</b></p> <p>20 Q. And so -- by the way, what color was the oil?</p> <p>21 <b>A. I don't know.</b></p> <p>22 Q. After he rubbed the oil on you, where did he put</p> <p>23 it?</p> <p>24 <b>A. Back on the table, I believe.</b></p> <p>25 Q. Can you see it, in your mind?</p>	<p style="text-align: right;">Page 171</p> <p>1 <b>A. No, I wasn't focused on the oil.</b></p> <p>2 Q. What was the oil in? You said it was in a</p> <p>3 container?</p> <p>4 <b>A. Some type of container.</b></p> <p>5 Q. Does that mean a bottle, jar, plastic?</p> <p>6 <b>A. I don't remember.</b></p> <p>7 Q. What's the next thing that happens?</p> <p>8 <b>A. After?</b></p> <p>9 Q. After he took, you said, in the one or two</p> <p>10 pictures of you, after he put the oil on your forehead;</p> <p>11 right?</p> <p>12 <b>A. Yes. From what I remember after that, he</b></p> <p>13 <b>stopped and began to rub the oil again on my forehead,</b></p> <p>14 <b>just with his thumb.</b></p> <p>15 Q. And then he took another -- one or two pictures?</p> <p>16 <b>A. From what I remember.</b></p> <p>17 Q. Look at the forehead in your pictures --</p> <p>18 <b>A. Okay.</b></p> <p>19 Q. -- and tell me if you see any difference in the</p> <p>20 pictures.</p> <p>21 <b>A. No, I don't see any difference.</b></p> <p>22 Q. Okay. And you said that you were standing for</p> <p>23 these pictures; right?</p> <p>24 <b>A. From what I remember, I stood and I sat for</b></p> <p>25 <b>pictures.</b></p>
<p style="text-align: right;">Page 172</p> <p>1 Q. Okay. But you told us a few minutes ago, you</p> <p>2 were standing when we started the first two pictures</p> <p>3 after the oil --</p> <p>4 MS. LEVINE-GRONNINGSATER: Objection --</p> <p>5 BY MS. WEINTRAUB:</p> <p>6 Q. You're not standing, are you?</p> <p>7 MS. LEVINE-GRONNINGSATER: Objection, misstates</p> <p>8 prior testimony.</p> <p>9 BY MS. WEINTRAUB:</p> <p>10 Q. Did you say before, after the oil, you were</p> <p>11 standing somewhere on the wall?</p> <p>12 <b>A. From what I remember, I was standing and</b></p> <p>13 <b>sitting.</b></p> <p>14 Q. Okay. In the first nine pictures, there's no</p> <p>15 standing. Do you agree?</p> <p>16 <b>A. I agree.</b></p> <p>17 Q. What's the next thing that happened?</p> <p>18 <b>A. Again, he didn't use anymore oil. He just kept</b></p> <p>19 <b>rubbing here, telling me to relax.</b></p> <p>20 Q. Are you done? Yes? I don't want to step on you</p> <p>21 when I ask you something. I didn't know if you were</p> <p>22 done.</p> <p>23 <b>A. Well, it's just kind of rapid firing</b></p> <p>24 <b>questions -- which, if you have another question, that's</b></p> <p>25 <b>fine.</b></p>	<p style="text-align: right;">Page 173</p> <p>1 Q. Here's the question. So you said he's using his</p> <p>2 thumb. You also showed me how he was using an old</p> <p>3 school camera, and you used your thumb to make the</p> <p>4 mechanism work; right?</p> <p>5 <b>A. Right.</b></p> <p>6 Q. Okay. So he's using oil, rubbing it on your</p> <p>7 forehead, and then using it on the camera is what you're</p> <p>8 saying?</p> <p>9 <b>A. When he -- maybe. Maybe he rubbed it off, I</b></p> <p>10 <b>don't know.</b></p> <p>11 Q. Did you see, can you say?</p> <p>12 <b>A. I can't say.</b></p> <p>13 Q. Okay. Because?</p> <p>14 <b>A. I don't remember.</b></p> <p>15 Q. You do agree in the first ten shots, there's no</p> <p>16 shiny anything indicating oil on your forehead; right?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. You do agree?</p> <p>19 <b>A. It doesn't look like there's anything shiny.</b></p> <p>20 Q. What's the next thing that happens?</p> <p>21 <b>A. I believe he asked me to take off my shirt.</b></p> <p>22 Q. Okay. Did you have any problem with that?</p> <p>23 <b>A. No.</b></p> <p>24 Q. You took off your shirt. Where did you put it?</p> <p>25 <b>A. I don't remember.</b></p>

JASON BOYCE

July 09, 2019

<p style="text-align: right;">Page 174</p> <p>1 Q. Okay. And how long -- how long did that take?</p> <p>2 <b>A. To take my shirt off?</b></p> <p>3 Q. Uh-huh.</p> <p>4 <b>A. Not very long.</b></p> <p>5 Q. Okay. This is going quickly; right? So now</p> <p>6 we've had four or six pictures, and you're taking your</p> <p>7 shirt off; correct?</p> <p>8 <b>A. Correct.</b></p> <p>9 Q. Okay. So the first ten pictures, your shirt's</p> <p>10 on; agreed?</p> <p>11 <b>A. Agreed.</b></p> <p>12 Q. Okay. So now we're more than halfway into this,</p> <p>13 19 pictures, before you are shirtless. Do you agree?</p> <p>14 You can count them if you want.</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. Okay. So he tells you to take off your shirt,</p> <p>17 you have no problem with it; right?</p> <p>18 <b>A. Correct.</b></p> <p>19 Q. As you know, Bruce Weber -- we've talked about</p> <p>20 this -- is known for his nudes. You were working on</p> <p>21 your love handles; right?</p> <p>22 <b>A. I had no problem taking my shirt off.</b></p> <p>23 Q. And you had told already you were working on</p> <p>24 your love handles; right?</p> <p>25 <b>A. Yes, I texted him that, yes.</b></p>	<p style="text-align: right;">Page 175</p> <p>1 Q. Okay. And oftentimes people do -- tell people</p> <p>2 to relax, or breathe, just as part of life.</p> <p>3 Would you agree?</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. You do that with your gym work, training?</p> <p>6 <b>A. In the right context, yes.</b></p> <p>7 Q. And do you do Martial Arts at all?</p> <p>8 <b>A. No, I don't.</b></p> <p>9 Q. Okay. What's the next thing that happened?</p> <p>10 <b>A. From what I recall, he snapped a few pictures of</b></p> <p>11 <b>me with my shirt off and then asked me to take my pants</b></p> <p>12 <b>off -- my shoes and my pants off, so I was in my</b></p> <p>13 <b>underwear.</b></p> <p>14 Q. Okay. So wait a minute. So did you take your</p> <p>15 pants off?</p> <p>16 <b>A. I did.</b></p> <p>17 Q. Okay. And you took your shoes off first?</p> <p>18 <b>A. Shoes off first.</b></p> <p>19 Q. Obviously. Where were you? Show me on the</p> <p>20 drawing.</p> <p>21 <b>A. I was here --</b></p> <p>22 Q. Hold on. You have to make a mark so that the</p> <p>23 record is clear. Indicating, for the record, that you</p> <p>24 are drawing a --</p> <p>25 <b>A. Do you want me to draw a stick figure or...</b></p>
<p style="text-align: right;">Page 176</p> <p>1 Q. Sure.</p> <p>2 <b>A. Okay.</b></p> <p>3 Q. Okay. So now you're against the wall and you --</p> <p>4 <b>A. I'm near the wall.</b></p> <p>5 Q. You're near the wall.</p> <p>6 <b>A. Yes. Take my pants off, take my shoes off.</b></p> <p>7 Q. Where did you put them?</p> <p>8 <b>A. I believe I put them over here by the bench.</b></p> <p>9 Q. Do you remember that?</p> <p>10 <b>A. I don't remember, specifically.</b></p> <p>11 Q. Okay. So the answer is you don't know?</p> <p>12 <b>A. Right, sorry.</b></p> <p>13 Q. Okay.</p> <p>14 <b>A. Specifically, I don't remember what I did with</b></p> <p>15 <b>them.</b></p> <p>16 Q. Okay. So now you're in your underwear?</p> <p>17 <b>A. Correct.</b></p> <p>18 Q. And then what happens?</p> <p>19 <b>A. I believe he snapped a few more shots.</b></p> <p>20 Q. In your underwear?</p> <p>21 <b>A. In my underwear.</b></p> <p>22 Q. Okay, hold on. I'm looking at what I'm going to</p> <p>23 mark as Exhibit 35 -- I'm just going to count. Do you</p> <p>24 know which pictures you're in your underwear?</p> <p>25 <b>A. No, I don't.</b></p>	<p style="text-align: right;">Page 177</p> <p>1 (Exhibit 35 marked.)</p> <p>2 BY MS. WEINTRAUB:</p> <p>3 Q. Okay. Because there really aren't any pictures</p> <p>4 of you in your underwear, but -- in other words, there</p> <p>5 are no pictures of you with your underwear on; right?</p> <p>6 <b>A. Correct.</b></p> <p>7 Q. Well, these are, I guess, if they're stamped;</p> <p>8 right?</p> <p>9 <b>A. Right.</b></p> <p>10 Q. Indicating, for the record, I'm going -- gonna</p> <p>11 ask you to put JB on the two that I just pointed to.</p> <p>12 Your underwear is on, on those pictures?</p> <p>13 MS. LEVINE-GRONNINGSATER: Hold on, hold on.</p> <p>14 <b>THE WITNESS: I'm sorry --</b></p> <p>15 MS. LEVINE-GRONNINGSATER: What are you asking</p> <p>16 him to draw on the exhibit?</p> <p>17 MS. WEINTRAUB: I'm asking you if that's where</p> <p>18 your pants are pulled down.</p> <p>19 <b>THE WITNESS: So I'm not sure, specifically,</b></p> <p>20 <b>which ones, because he did take pictures of me nude and</b></p> <p>21 <b>with a -- with underwear on.</b></p> <p>22 BY MS. WEINTRAUB:</p> <p>23 Q. Really -- wait, hold on. Where are the nude- --</p> <p>24 hold on. Where are the nudes?</p> <p>25 <b>A. I'm pointing, right here (indicating).</b></p>



JASON BOYCE

July 09, 2019

<p style="text-align: right;">Page 178</p> <p>1 Q. That's a nude picture?</p> <p>2 <b>A. Correct.</b></p> <p>3 Q. Can you, for the record, put letter J, so we can</p> <p>4 see it, what's being identified.</p> <p>5 <b>A. (Witness complies.)</b></p> <p>6 Q. Now, the picture that you identify with the J on</p> <p>7 it, and you say that you're nude?</p> <p>8 <b>A. From what I remember, yes.</b></p> <p>9 Q. Okay. But you've taken other pictures with your</p> <p>10 pants way down -- I hate to use the word, but I will --</p> <p>11 with your pubic hair, basically; right? And your pants</p> <p>12 are on. Agreed?</p> <p>13 <b>A. Right, uh-huh.</b></p> <p>14 Q. All the time?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. So it's not unfamiliar to you to see pictures</p> <p>17 like that when you were, in fact, dressed; correct?</p> <p>18 <b>A. Correct.</b></p> <p>19 Q. So you do -- do you agree that looking at the</p> <p>20 picture, you can't tell, obviously, that you were nude;</p> <p>21 right? Just like -- correct?</p> <p>22 <b>A. From an outsider's perspective, sure, but I know</b></p> <p>23 <b>that I was naked, so -- but from that picture, it is</b></p> <p>24 <b>possible. Is that what you're asking? I'm sorry.</b></p> <p>25 Q. It's okay. From the picture, it's possible</p>	<p style="text-align: right;">Page 179</p> <p>1 that?</p> <p>2 <b>A. That I have some type of clothing down way below</b></p> <p>3 <b>there.</b></p> <p>4 Q. Because -- I'm going to show you 36. This is a</p> <p>5 picture of you?</p> <p>6 <b>A. Yep.</b></p> <p>7 Q. And if I make a crease and a mark -- and we can</p> <p>8 mark that -- you can see where your love handles would</p> <p>9 be; right? And it's going right down there.</p> <p>10 You agree?</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. Okay. And you're not naked. You're wearing</p> <p>13 jeans. They're just pushed down all the way; right?</p> <p>14 <b>A. In that picture, yes. That's a different angle</b></p> <p>15 <b>than the picture taken there.</b></p> <p>16 Q. Similarly, in this picture --</p> <p>17 <b>A. Uh-huh.</b></p> <p>18 Q. Similarly, in this picture -- I mean, somebody</p> <p>19 could see, and not know, that you had clothes on; right?</p> <p>20 If this is marked from your pubic hair; correct?</p> <p>21 <b>A. Correct.</b></p> <p>22 Q. Okay.</p> <p>23 MR. ETRA: It's 36 and 37.</p> <p>24 MS. WEINTRAUB: That's 36 and 37, for the</p> <p>25 record.</p>
<p style="text-align: right;">Page 180</p> <p>1 (Exhibits 36 and 37 marked.)</p> <p>2 BY MS. WEINTRAUB:</p> <p>3 Q. So -- and there are no nude pictures; correct?</p> <p>4 <b>A. Correct.</b></p> <p>5 Q. And, obviously, Bruce Weber has no problem</p> <p>6 taking nudes, and you have no problem posing nude?</p> <p>7 <b>A. Correct.</b></p> <p>8 Q. Okay. But they aren't nude.</p> <p>9 MS. LEVINE-GRONNINGSATER: Objection --</p> <p>10 BY MS. WEINTRAUB:</p> <p>11 Q. Agreed? But you agree that they're not nude</p> <p>12 pictures taken by Bruce Weber?</p> <p>13 MS. LEVINE-GRONNINGSATER: Objection.</p> <p>14 <b>THE WITNESS: Correct. So he -- how he cropped</b></p> <p>15 <b>it, or how he shot it, yes, my genitalia is not in the</b></p> <p>16 <b>photo.</b></p> <p>17 BY MS. WEINTRAUB:</p> <p>18 Q. Any conversation taking place at this point?</p> <p>19 <b>A. He's taking pictures, he's telling me how to</b></p> <p>20 <b>pose, he's telling me to hold a pose, from what I</b></p> <p>21 <b>remember. He said that I looked beautiful. He said</b></p> <p>22 <b>that I looked like a Norwegian fisherman -- that stuck</b></p> <p>23 <b>out to me.</b></p> <p>24 Q. You also understand that that's not his typical</p> <p>25 Americana look being Norwegian; right?</p>	<p style="text-align: right;">Page 181</p> <p>1 <b>A. Sure.</b></p> <p>2 Q. What else did he say to you?</p> <p>3 <b>A. He said, again, that he wanted to do -- he</b></p> <p>4 <b>wanted to relax me. So he approached me -- or he -- he</b></p> <p>5 <b>kind of told me -- motioned me over. Because I was</b></p> <p>6 <b>close to the wall -- I was close to the wall and he was</b></p> <p>7 <b>kind of in the center of the room.</b></p> <p>8 Q. Can you put a BW where he is?</p> <p>9 <b>A. Yes, JB.</b></p> <p>10 Q. Okay.</p> <p>11 <b>A. So we kind of met halfway. And then he said</b></p> <p>12 <b>that I -- he really hammered home the point that I</b></p> <p>13 <b>looked tense, and I was trying to be too masculine. And</b></p> <p>14 <b>that in my photos, I looked, kind of, hard and scowly,</b></p> <p>15 <b>and he just really wanted me to relax. So that's when</b></p> <p>16 <b>he started rubbing my forehead again. And, then, he</b></p> <p>17 <b>asked me, from what I remember, to pull my underwear up</b></p> <p>18 <b>or down, wherever I wanted to pull them.</b></p> <p>19 Q. Okay. So you weren't nude. Now you're saying</p> <p>20 your underwear is on; right?</p> <p>21 <b>A. So I'm -- all I'm saying is this picture, I was</b></p> <p>22 <b>nude. This is what I'm telling you -- this picture was</b></p> <p>23 <b>nude. I'm not telling you the time line of when this</b></p> <p>24 <b>picture was taken. I'm just saying --</b></p> <p>25 Q. The one with the J on it?</p>

JASON BOYCE

July 09, 2019

<p style="text-align: right;">Page 182</p> <p>1 <b>A. Correct.</b></p> <p>2 Q. Okay. So -- and then your underwear is back on,</p> <p>3 and he's telling you to put it where?</p> <p>4 MS. LEVINE-GRONNINGSATER: Objection, misstates</p> <p>5 prior testimony.</p> <p>6 BY MS. WEINTRAUB:</p> <p>7 Q. Okay. So tell me the chronology of what's going</p> <p>8 on.</p> <p>9 <b>A. So the chronology is I had -- I was in my</b></p> <p>10 <b>underwear, and he took a few shots. And then he said,</b></p> <p>11 <b>again, you look tense, you're trying to be too</b></p> <p>12 <b>masculine. Your book is -- like the pictures in your</b></p> <p>13 <b>book are too scowly; you know, you took too tough,</b></p> <p>14 <b>you're trying to be too tough.</b></p> <p>15 Q. Did you disagree with that?</p> <p>16 MS. LEVINE-GRONNINGSATER: Counsel, please stop</p> <p>17 interrupting him.</p> <p>18 <b>THE WITNESS: I don't remember.</b></p> <p>19 BY MS. WEINTRAUB:</p> <p>20 Q. Okay. Then what?</p> <p>21 <b>A. So he started rubbing my forehead again and he</b></p> <p>22 <b>was pretty close to me. And then he asked me to pull my</b></p> <p>23 <b>underwear up or down.</b></p> <p>24 Q. Okay. And did you?</p> <p>25 <b>A. I did, I pulled them up.</b></p>	<p style="text-align: right;">Page 183</p> <p>1 Q. And then what happened?</p> <p>2 <b>A. For -- he kept asking me, pull them up or down.</b></p> <p>3 Q. Okay. How many times did he repeat himself?</p> <p>4 <b>A. I don't remember the exact count, but I remember</b></p> <p>5 <b>him -- he was continuously rubbing my forehead like</b></p> <p>6 <b>this. And he was asking me, pull them up or down.</b></p> <p>7 Q. Okay. When he was continuously rubbing your</p> <p>8 forehead, that was with the oil?</p> <p>9 <b>A. There was oil on my forehead already. He didn't</b></p> <p>10 <b>go and dip his thumb in oil and come back. He was just</b></p> <p>11 <b>doing this. (Indicating.)</b></p> <p>12 Q. Okay. And tell me what happens next?</p> <p>13 <b>A. For -- he repeatedly asked me to pull them up or</b></p> <p>14 <b>down. I would pull them up as high as I could, and then</b></p> <p>15 <b>I would pull them down. I kept pulling them up and</b></p> <p>16 <b>down, kind of doing a dance, where I didn't want to pull</b></p> <p>17 <b>them all the way down. And then --</b></p> <p>18 Q. Why not?</p> <p>19 MS. LEVINE-GRONNINGSATER: Counsel, I'm --</p> <p>20 MS. WEINTRAUB: I'm not going to have a</p> <p>21 20-minute narrative. I'm breaking it up so that I can</p> <p>22 ask a question. I don't want a 20-minute narrative.</p> <p>23 MS. LEVINE-GRONNINGSATER: You're asking --</p> <p>24 you're asking -- you're asking the open-ended question.</p> <p>25 If you don't want a question that calls for a narrative,</p>
<p style="text-align: right;">Page 184</p> <p>1 don't ask one. I'm going to -- we are going to have to</p> <p>2 figure out a way for you to stop --</p> <p>3 MS. WEINTRAUB: I'm going to continue to stop</p> <p>4 him and ask questions in between a narrative.</p> <p>5 MS. LEVINE-GRONNINGSATER: Then I -- no, I'm not</p> <p>6 going to allow you to interrupt the witness. What I'm</p> <p>7 going to have to do is get a protective order --</p> <p>8 MS. WEINTRAUB: That's your right.</p> <p>9 MS. LEVINE-GRONNINGSATER: -- I'm instructing you</p> <p>10 to stop --</p> <p>11 MS. WEINTRAUB: That's your right. You're not</p> <p>12 going to instruct me anything. Stop it. Now.</p> <p>13 Now, we're going to take a break --</p> <p>14 MS. LEVINE-GRONNINGSATER: No, the court is</p> <p>15 going to -- I'm not going off the record --</p> <p>16 MS. WEINTRAUB: I am. And I'm walking -- no,</p> <p>17 I'm walking out.</p> <p>18 MS. LEVINE-GRONNINGSATER: I'm not going --</p> <p>19 MS. WEINTRAUB: Anna, stop.</p> <p>20 MS. LEVINE-GRONNINGSATER: I do not agree to go</p> <p>21 off the record. We're still on the record. I am still</p> <p>22 on the record --</p> <p>23 MS. WEINTRAUB: And I'm leaving the room because</p> <p>24 I'm not going to be disrespected and spoken to that way.</p> <p>25 I have been doing this over 30 years. I'm asking an</p>	<p style="text-align: right;">Page 185</p> <p>1 open-ended question --</p> <p>2 MS. LEVINE-GRONNINGSATER: No, I know, I'm still</p> <p>3 -- we're still on the record.</p> <p>4 MS. WEINTRAUB: I'm asking an open-ended</p> <p>5 question and I am stopping him along the way. Because</p> <p>6 if I ask just repeated leading questions, you will say,</p> <p>7 oh, well, I didn't give him a chance to answer. So I'm</p> <p>8 trying to compromise and ask him a question so he can</p> <p>9 say it in his own words, without putting it in my words;</p> <p>10 his words, and stopping him along the way.</p> <p>11 If you think that's worthy of a protective</p> <p>12 order, you have no business practicing law. You want to</p> <p>13 call the judge, call him. I flew across the country to</p> <p>14 take this. I'm not doing anything wrong. End of</p> <p>15 discussion. I'm taking a five-minute break.</p> <p>16 MS. LEVINE-GRONNINGSATER: It's not the end of</p> <p>17 discussion. We need to --</p> <p>18 MR. ETRA: The record should reflect that the</p> <p>19 lawyers have left the room and we're off the record.</p> <p>20 MS. LEVINE-GRONNINGSATER: Stormed out of the</p> <p>21 room.</p> <p>22 MR. ETRA: No, we haven't stormed out of the</p> <p>23 room. We've left the room. We're taking a break. You</p> <p>24 can stay there and make speeches, if you want --</p> <p>25 MS. LEVINE-GRONNINGSATER: Jonathan --</p>

## JASON BOYCE

July 09, 2019

<p style="text-align: right;">Page 186</p> <p>1 MR. ETRA: The lawyer taking the deposition has</p> <p>2 said we're off the record. I don't know we're still</p> <p>3 typing right now, because we're off the record.</p> <p>4 MS. LEVINE-GRONNINGSATER: So -- given that</p> <p>5 the --</p> <p>6 MR. ETRA: You need to stop. I'm telling you to</p> <p>7 stop.</p> <p>8 THE REPORTER: I have to have both attorneys</p> <p>9 agree to go off the record.</p> <p>10 MR. ETRA: Are you kidding me? That's not the</p> <p>11 New York rules, okay? You're on California rules.</p> <p>12 Anyone can take a break. We're taking a break. We're</p> <p>13 wasting time. I don't know why we're doing California</p> <p>14 rules, if that's the California procedure --</p> <p>15 MS. WEINTRAUB: You wanted New York rules.</p> <p>16 MR. ETRA: That's not how it works in New York.</p> <p>17 So you wanted New York rules, we need to stop now.</p> <p>18 Because I don't want to waste time. I don't want to be</p> <p>19 up until 9:00 at night. Let's get done -- you want to</p> <p>20 make a speech when we get back, make a speech when we</p> <p>21 get back. No one's stopping you from putting stuff on</p> <p>22 the record. We just need a break.</p> <p>23 MS. LEVINE-GRONNINGSATER: People are stopping</p> <p>24 me from putting stuff on the record when you're</p> <p>25 unilaterally demanding that we go off the record.</p>	<p style="text-align: right;">Page 187</p> <p>1 MR. ETRA: You can go back on. You can talk</p> <p>2 when you get back. We're taking a break. I'm leaving.</p> <p>3 I don't want the record going on while I'm leaving.</p> <p>4 Enough. We need a break. Accept that. She's not going</p> <p>5 to take a break without listening to you, so would you</p> <p>6 please tell her we can take a break and then everyone</p> <p>7 can reassess and come back.</p> <p>8 MS. LEVINE-GRONNINGSATER: Given that counsel</p> <p>9 who is taking the deposition has left the room, I will</p> <p>10 agree to go off the record.</p> <p>11 THE VIDEOGRAPHER: We are now going off the</p> <p>12 video record. The time is approximately 2:59 p.m.</p> <p>13 (Off the record.)</p> <p>14 THE VIDEOGRAPHER: We are now back on the video</p> <p>15 record. The time is approximately 3:14 p.m.</p> <p>16 BY MS. WEINTRAUB:</p> <p>17 Q. When you were talking the underwear pictures,</p> <p>18 was it still light out?</p> <p>19 <b>A. From what I remember, yes.</b></p> <p>20 Q. Was it light out the whole time you were there?</p> <p>21 <b>A. From what I remember, yes.</b></p> <p>22 Q. When you left, it was light out?</p> <p>23 <b>A. From what I remember, yes.</b></p> <p>24 Q. Okay. What happened after Bruce Weber asked you</p> <p>25 to move your underwear?</p>
<p style="text-align: right;">Page 188</p> <p>1 <b>A. I did it several more times, pulling them up,</b></p> <p>2 <b>pulling them down. I never pulled them all the way down</b></p> <p>3 <b>until, finally, he put his hands on my hands --</b></p> <p>4 Q. Where was his camera?</p> <p>5 <b>A. I believe around his neck. Put his hands on my</b></p> <p>6 <b>hands. I still had ahold of my underwear, with my</b></p> <p>7 <b>hands. And he asked me again, pull them up or down.</b></p> <p>8 <b>And when I went to pull them up, I felt resistance from</b></p> <p>9 <b>him. He began to push my hands down.</b></p> <p>10 Q. Describe him, physically, for me, Bruce Weber.</p> <p>11 <b>A. He's probably a little bit shorter than me.</b></p> <p>12 Q. Hold on. You're 6'1"; right?</p> <p>13 <b>A. I'm six foot. Thank you, though.</b></p> <p>14 Q. Okay. Have you said that you're 6'1" in a lot</p> <p>15 of places that I've read?</p> <p>16 <b>A. Yes -- I, myself, no. Agents will say that you</b></p> <p>17 <b>are 6'1". They will embellish on your height sometimes.</b></p> <p>18 Q. Okay. So you're six feet. And how much do you</p> <p>19 weigh?</p> <p>20 <b>A. Right now? Or at the time?</b></p> <p>21 Q. At the time.</p> <p>22 <b>A. Probably about 170, 175.</b></p> <p>23 Q. So you were in good shape, to say the least?</p> <p>24 <b>A. I was in good shape.</b></p> <p>25 Q. Bruce Weber, not so much, in good shape?</p>	<p style="text-align: right;">Page 189</p> <p>1 <b>A. No.</b></p> <p>2 Q. Very overweight? My client will kill me for</p> <p>3 saying this.</p> <p>4 <b>A. Your words, not mine.</b></p> <p>5 Q. They are my words. Do you agree with them?</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. Okay. And not appearing to be in great shape,</p> <p>8 compared to you?</p> <p>9 <b>A. Correct, correct.</b></p> <p>10 Q. Much older?</p> <p>11 <b>A. Much older than me.</b></p> <p>12 Q. I'll say in his early 70s to be polite?</p> <p>13 <b>A. Correct.</b></p> <p>14 Q. Okay. So you feel some resistance. Is he</p> <p>15 taking pictures at this time?</p> <p>16 <b>A. No.</b></p> <p>17 Q. Okay. So then what happens?</p> <p>18 <b>A. I feel resistance. And he continues to kind of</b></p> <p>19 <b>push -- lead me down, and I eventually pull my underwear</b></p> <p>20 <b>down. They fall to my ankles.</b></p> <p>21 Q. Okay. Then what happens?</p> <p>22 <b>A. He, I believe, took a couple more shots. He</b></p> <p>23 <b>stepped back. From what I recall, he took a couple more</b></p> <p>24 <b>shots. And then stopped, again, after taking a few</b></p> <p>25 <b>shots --</b></p>



JASON BOYCE

July 09, 2019

<p style="text-align: right;">Page 190</p> <p>1 Q. Where are those shots?</p> <p>2 MS. LEVINE-GRONNINGSATER: Objection.</p> <p>3 MS. WEINTRAUB: Answer the question.</p> <p>4 BY MS. WEINTRAUB:</p> <p>5 Q. Do you see there on the contact sheets?</p> <p>6 <b>A. I don't see my genital on those sheets.</b></p> <p>7 Q. Okay. You don't see nude shots, as you've taken</p> <p>8 nude shots before; right?</p> <p>9 <b>A. As I've taken nude shots before?</b></p> <p>10 Q. And sent them.</p> <p>11 <b>A. Correct, no.</b></p> <p>12 Q. Okay. So you've said that he's taking pictures,</p> <p>13 but he's not taking nude pictures. The evidence doesn't</p> <p>14 show that he's taking nude pictures.</p> <p>15 Do you agree?</p> <p>16 MS. LEVINE-GRONNINGSATER: Objection.</p> <p>17 MS. WEINTRAUB: You can answer.</p> <p>18 <b>THE WITNESS: You can't see my genitals in that</b></p> <p>19 <b>picture.</b></p> <p>20 BY MS. WEINTRAUB:</p> <p>21 Q. Okay. So you -- it also isn't a nude picture;</p> <p>22 do you agree?</p> <p>23 MS. LEVINE-GRONNINGSATER: Objection.</p> <p>24 <b>THE WITNESS: It is -- it is not a nude picture</b></p> <p>25 <b>in the context that this is not a nude picture, but I</b></p>	<p style="text-align: right;">Page 191</p> <p>1 <b>was nude while the picture was taken.</b></p> <p>2 BY MS. WEINTRAUB:</p> <p>3 Q. Okay. In any -- in the pictures that you took</p> <p>4 to send to Bruce Weber, where your penis is hanging out,</p> <p>5 for example, and your pants are down, that's a nude</p> <p>6 picture -- in my world, okay?</p> <p>7 <b>A. Okay.</b></p> <p>8 Q. Do you see another nude picture on the contact</p> <p>9 sheets that Bruce Weber took? It's a yes or no.</p> <p>10 MS. LEVINE-GRONNINGSATER: Objection.</p> <p>11 <b>THE WITNESS: Again, I don't see my genitals in</b></p> <p>12 <b>that picture.</b></p> <p>13 BY MS. WEINTRAUB:</p> <p>14 Q. You don't see a nude picture, do you?</p> <p>15 <b>A. I don't see my genitals.</b></p> <p>16 Q. Okay. Is that what makes it a nude picture?</p> <p>17 <b>A. Seeing my genitals?</b></p> <p>18 Q. Uh-huh.</p> <p>19 <b>A. Well, in modeling, there's stuff like tastefully</b></p> <p>20 <b>nude, like those Darren Tieste photos. I was nude</b></p> <p>21 <b>during that, but you can't see my genitals.</b></p> <p>22 Q. Okay. So my question to you is, the pictures</p> <p>23 you sent -- the nude selfies you sent to Bruce were</p> <p>24 nude; agreed? We both agree these are nude?</p> <p>25 <b>A. I was naked when I took those pictures, yes.</b></p>
<p style="text-align: right;">Page 192</p> <p>1 Q. And they are nude pictures. You can see --</p> <p>2 <b>A. Okay.</b></p> <p>3 Q. You can see your penis.</p> <p>4 <b>A. Yes, you can see my penis -- sorry.</b></p> <p>5 Q. So my question is, when I look at the contact</p> <p>6 sheet, I don't see nude pictures, nude with your penis.</p> <p>7 Do you agree? Yes or no.</p> <p>8 <b>A. I agree that you do not see me naked in that</b></p> <p>9 <b>picture, yes.</b></p> <p>10 Q. Now, previously, you said things like you were</p> <p>11 born to take nude pictures; right? Remember that?</p> <p>12 <b>A. I don't remember saying that.</b></p> <p>13 Q. "I was born for it," you said.</p> <p>14 <b>A. Is that an e-mail?</b></p> <p>15 Q. Now, you claim that you panicked and froze at</p> <p>16 some point? You have to say "yes" or "no."</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. What point?</p> <p>19 <b>A. There was a point where he -- while I was naked,</b></p> <p>20 <b>he was doing -- he was telling me to put my hand where I</b></p> <p>21 <b>felt my energy go, put my hand on him where he felt my</b></p> <p>22 <b>energy go, and put my hand on me where I felt my energy</b></p> <p>23 <b>go. When I would do that, I would always stay stomach</b></p> <p>24 <b>and above, shoulders, face, neck, chest. Until he</b></p> <p>25 <b>grabbed my wrist and said it again, go where your energy</b></p>	<p style="text-align: right;">Page 193</p> <p>1 <b>goes. And, again, when I tried to place it on his chest</b></p> <p>2 <b>or stomach, he would pull it down. That's when I froze.</b></p> <p>3 Q. Okay. You said that -- what's the next thing</p> <p>4 that happened?</p> <p>5 <b>A. Are we going back to when -- are we going back</b></p> <p>6 <b>to when -- you tell me the timeline, because that --</b></p> <p>7 Q. From when your underwear went down, and there</p> <p>8 are no nude pictures, I want to know what's next? What</p> <p>9 happened next?</p> <p>10 <b>A. So while I was nude and he snapped pictures of</b></p> <p>11 <b>me while I was nude, a couple of pictures, then he</b></p> <p>12 <b>stopped again. And that's when he came up to me, really</b></p> <p>13 <b>close to me, and said, you know, put your hand where you</b></p> <p>14 <b>feel your energy go.</b></p> <p>15 Q. Then what?</p> <p>16 <b>A. We -- I did it numerous times -- I don't</b></p> <p>17 <b>remember the exact amount.</b></p> <p>18 Q. Your hand is on his body, his hand is on his</p> <p>19 body?</p> <p>20 <b>A. Correct, so he would say, tell me -- put your</b></p> <p>21 <b>hand where your energy goes on me. So I would do that.</b></p> <p>22 <b>And then he would say, now, tell me where your energy</b></p> <p>23 <b>goes on you.</b></p> <p>24 Q. Okay.</p> <p>25 <b>A. And go back and forth. And he did that for what</b></p>

JASON BOYCE

July 09, 2019

<p style="text-align: right;">Page 194</p> <p>1 <b>seemed like a long time.</b></p> <p>2 Q. Bruce Weber's hand is going back and forth or</p> <p>3 your hand?</p> <p>4 <b>A. My hand.</b></p> <p>5 Q. Your hand is going back and forth?</p> <p>6 <b>A. Correct.</b></p> <p>7 Q. Okay. Then what happened?</p> <p>8 <b>A. And then, like I said, I would put my hand on</b></p> <p>9 <b>either his chest, or his shoulder, or his stomach. I</b></p> <p>10 <b>would put it on my hand, chest, shoulder, stomach, face.</b></p> <p>11 <b>And, finally, he grabbed my wrist and told me the same</b></p> <p>12 <b>command, put your hand where you feel your energy go on</b></p> <p>13 <b>me.</b></p> <p>14 Q. Okay.</p> <p>15 <b>A. And then when I did that, he started to push</b></p> <p>16 <b>down, and then he'd say, put your hand where you feel</b></p> <p>17 <b>your energy go on you. And I would do the same thing,</b></p> <p>18 <b>and he would start to push me down like this</b></p> <p>19 <b>(indicating). And we did this, back and forth, until he</b></p> <p>20 <b>finally pushed me all the way down to where I was</b></p> <p>21 <b>touching my genitals. And then --</b></p> <p>22 Q. Where was his camera?</p> <p>23 <b>A. What I recall, it was around his chest.</b></p> <p>24 Q. Okay. And after you were touching your own</p> <p>25 genitals, then what?</p>	<p style="text-align: right;">Page 195</p> <p>1 <b>A. Then he asked me how ambitious I was, and he</b></p> <p>2 <b>said, you know, things like if I could just have</b></p> <p>3 <b>confidence that I would go really far.</b></p> <p>4 Q. Did you tell him you did have confidence?</p> <p>5 <b>A. I did not use those words, no.</b></p> <p>6 Q. Did he use those words?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. And what did you say to him?</p> <p>9 <b>A. I didn't say anything back.</b></p> <p>10 Q. You just didn't answer?</p> <p>11 <b>A. No.</b></p> <p>12 Q. And then what happened?</p> <p>13 <b>A. He still had ahold of my arm, my wrist, and he</b></p> <p>14 <b>began to move my hand back and forth.</b></p> <p>15 Q. Where?</p> <p>16 <b>A. My hand was on my genitals.</b></p> <p>17 Q. Okay.</p> <p>18 <b>A. And he had to move my hand back and forth, like</b></p> <p>19 <b>this.</b></p> <p>20 Q. Okay.</p> <p>21 <b>A. Then he asked me to put my hand on him again --</b></p> <p>22 Q. Okay.</p> <p>23 <b>A. And this time, he got a little more forceful.</b></p> <p>24 <b>And when I went back to put my hand on him, he pushed my</b></p> <p>25 <b>hand down onto his genitals.</b></p>
<p style="text-align: right;">Page 196</p> <p>1 Q. Okay. When you say he got a little more</p> <p>2 forceful, you're not saying if you wanted to, you</p> <p>3 couldn't have overridden that force, are you?</p> <p>4 <b>A. Physically?</b></p> <p>5 Q. Yeah. You're not saying that; right?</p> <p>6 <b>A. I could have, physically.</b></p> <p>7 Q. You could have physically?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. And then what happened?</p> <p>10 <b>A. He stepped back and did a few more shots. He</b></p> <p>11 <b>did a few more shots of me and then proceeded -- he</b></p> <p>12 <b>approached me again and started doing the same thing,</b></p> <p>13 <b>telling me where my energy -- asked me where my energy</b></p> <p>14 <b>went, again, with his hand on my wrist. Then from what</b></p> <p>15 <b>I remember, that last time, he told me, you know, to,</b></p> <p>16 <b>you know -- I think we're done, put your clothes on. So</b></p> <p>17 <b>I walked over to this area --</b></p> <p>18 Q. Do me a favor, draw a circle around it or</p> <p>19 something so we know where you're talking about. Just</p> <p>20 write "this area."</p> <p>21 <b>A. "This area."</b></p> <p>22 Q. Okay.</p> <p>23 <b>A. And I started to put my clothes back on.</b></p> <p>24 Q. Okay.</p> <p>25 <b>A. Bruce sat down here (indicating).</b></p>	<p style="text-align: right;">Page 197</p> <p>1 Q. Okay.</p> <p>2 <b>A. And told me to stop and come back over there.</b></p> <p>3 Q. Okay. Indicating you made an "X" for the</p> <p>4 record. Can you put a BW.</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. Okay. So he sat down on the bench, pictures are</p> <p>7 done; right?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. You got dressed?</p> <p>10 <b>A. I started to get dressed. I think I had my</b></p> <p>11 <b>pants on. And then he called me over to the bench and</b></p> <p>12 <b>just stared at me, got really close, like really close.</b></p> <p>13 <b>He stared at me.</b></p> <p>14 Q. Sorry, go ahead.</p> <p>15 <b>A. He told me that I was beautiful -- you know, he</b></p> <p>16 <b>just stared at me. And then he said, okay, go ahead,</b></p> <p>17 <b>get up. And I went and put my clothes back on. And we</b></p> <p>18 <b>met -- he got up, and we met about here, in close</b></p> <p>19 <b>proximity to the bench.</b></p> <p>20 Q. Okay.</p> <p>21 <b>A. I believe I was fully clothed at this point.</b></p> <p>22 <b>And he came -- he told me to come up to him here and he</b></p> <p>23 <b>told me to close my eyes. And then he -- he told me to</b></p> <p>24 <b>close my eyes, and then he put his fingers in my mouth</b></p> <p>25 <b>and said if -- from what I remember, he said something</b></p>

JASON BOYCE

July 09, 2019

<p style="text-align: right;">Page 198</p> <p>1 to me -- I don't want to guess or speculate, so I can't</p> <p>2 remember exactly what he said. But he had his fingers</p> <p>3 in my mouth. Then he pulled them out and he kissed me,</p> <p>4 and that's when I pulled back like this. And he said,</p> <p>5 we're done. Put your clothes on -- I'm sorry, he said</p> <p>6 we're done. That was it.</p> <p>7 Q. And what did you do then?</p> <p>8 A. I left.</p> <p>9 Q. Who opened the door?</p> <p>10 A. Nobody -- I believe that I opened the sliding</p> <p>11 door.</p> <p>12 Q. How did you open it?</p> <p>13 A. My grabbing the handle -- I don't remember</p> <p>14 exactly, but I opened the door.</p> <p>15 Q. The contact, the physical contact that you've</p> <p>16 described that occurred, occurred, obviously, in the</p> <p>17 last few minutes; right?</p> <p>18 A. It occurred over -- more than a few months.</p> <p>19 Q. Okay. How long?</p> <p>20 A. I don't know the exact time. I can estimate.</p> <p>21 Q. Okay.</p> <p>22 A. It probably took 20, 25 minutes, estimating.</p> <p>23 Q. Okay. That -- the 20, 25 minutes was when you</p> <p>24 were talking about the hands on the chest, and going --</p> <p>25 the back and forth and the physical contact; right?</p>	<p style="text-align: right;">Page 199</p> <p>1 A. Correct.</p> <p>2 Q. Okay. So that's 15 minutes, say. Then you have</p> <p>3 the contact that's actually you touching yourself;</p> <p>4 right?</p> <p>5 A. My hand, yes.</p> <p>6 Q. How long would you say that your hand was on</p> <p>7 your own genitals? More than a minute? And, remember,</p> <p>8 a minute can be a long time. Just think before you</p> <p>9 answer that question, please.</p> <p>10 A. I don't -- I don't know, I don't know.</p> <p>11 Q. Is it possible that it, really, was just seconds</p> <p>12 and felt like an hour?</p> <p>13 A. Is it possible?</p> <p>14 Q. Yeah.</p> <p>15 A. Sure, it's possible.</p> <p>16 Q. The same thing when you say that you touched his</p> <p>17 genitals, same thing -- I mean, it wasn't a long time.</p> <p>18 It was literally seconds. Would you agree? And I'm not</p> <p>19 saying that was a great thing. I'm just asking you --</p> <p>20 I'm trying to understand the timing of it, so bear with</p> <p>21 me.</p> <p>22 A. I understand, I understand. When he placed my</p> <p>23 hand on his genitals --</p> <p>24 Q. Yes.</p> <p>25 A. -- it was probably less than a minute.</p>
<p style="text-align: right;">Page 200</p> <p>1 Q. Okay. Would you agree it's a matter of seconds,</p> <p>2 whether that's 10, or 20, or 30?</p> <p>3 A. Whether that's 10, or 20, or 30, I agree with</p> <p>4 that.</p> <p>5 Q. Okay. When he kissed you --</p> <p>6 A. Yes.</p> <p>7 Q. -- on -- did he kiss you on the mouth --</p> <p>8 A. Yes.</p> <p>9 Q. On the cheek? On the mouth.</p> <p>10 A. On the mouth.</p> <p>11 Q. Closed lips, open lips?</p> <p>12 A. Open lips.</p> <p>13 Q. Do you remember?</p> <p>14 A. I believe it was open lips. I remember -- I</p> <p>15 remember his beard -- I remember his beard.</p> <p>16 Q. Okay. You remember being kissed, but you don't</p> <p>17 remember anything really about it?</p> <p>18 A. Correct, my eyes were closed. I do not remember</p> <p>19 exactly if it was open or closed.</p> <p>20 Q. Same thing, seconds, 10, 20, 30 seconds, no more</p> <p>21 than that?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. Before we leave there, I'm going to ask</p> <p>24 you to look at Exhibit Nos. 33, 34, 35, contact sheets,</p> <p>25 okay?</p>	<p style="text-align: right;">Page 201</p> <p>1 A. Yes.</p> <p>2 Q. And I'm going to ask you to show me where did</p> <p>3 the breathing exercises, in the pictures, in the story</p> <p>4 of the pictures -- wait, don't have them in order.</p> <p>5 Where in the contact sheets did -- where in the</p> <p>6 contact sheets did the touching of the genitals start?</p> <p>7 These are in order.</p> <p>8 A. I can't give you an accurate timeline based off</p> <p>9 these photos. I just know that I was nude.</p> <p>10 Q. You're not saying that there are more photos,</p> <p>11 are you? Just to be clear.</p> <p>12 A. More photos that he took?</p> <p>13 Q. Uh-huh.</p> <p>14 A. Not to my knowledge.</p> <p>15 Q. And the hands that are on you in Exhibit 34,</p> <p>16 those are your own -- your own hands; right? That's the</p> <p>17 picture.</p> <p>18 A. Correct.</p> <p>19 Q. Right? That's not Bruce Weber, or anybody else?</p> <p>20 A. Correct.</p> <p>21 Q. Those are your own hands, and that's a common</p> <p>22 model thing?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Before we leave this, I need to take one</p> <p>25 minute of a break with Mr. Etra and Mr. Bernstein. Just</p>

## JASON BOYCE

July 09, 2019

<p style="text-align: right;">Page 202</p> <p>1 give me a minute.</p> <p>2 MS. LEVINE-GRONNINGSATER: We can go off the</p> <p>3 record?</p> <p>4 MS. WEINTRAUB: Yes.</p> <p>5 THE VIDEOGRAPHER: We are now going off the</p> <p>6 video record. The time is approximately 3:34 p.m.</p> <p>7 (Off the record.)</p> <p>8 THE VIDEOGRAPHER: We are now back on the video</p> <p>9 record. The time is approximately 3:44 p.m.</p> <p>10 BY MS. WEINTRAUB:</p> <p>11 Q. Two questions. I just want to go back. I'm</p> <p>12 sorry, but I forgot two questions and I want to just put</p> <p>13 it in context for you.</p> <p>14 <b>A. Okay.</b></p> <p>15 Q. So I just want to make sure that I understood</p> <p>16 you. Where you put the J, these two shots, those are</p> <p>17 the two shots where you say that you were not dressed;</p> <p>18 correct?</p> <p>19 <b>A. To my recollection, yes.</b></p> <p>20 Q. Okay. The other shots you are dressed?</p> <p>21 <b>A. These shots?</b></p> <p>22 Q. Yeah. That is after your shirt's off -- or you</p> <p>23 don't know?</p> <p>24 <b>A. I don't know.</b></p> <p>25 Q. Okay. I asked you, also, and I just want to,</p>	<p style="text-align: right;">Page 203</p> <p>1 again, clarify it, because I wasn't sure what you said.</p> <p>2 When you said that he was pushing your hand a little --</p> <p>3 that Bruce Weber was pushing your hand a little bit</p> <p>4 more, I asked you if you wanted to overcome that force</p> <p>5 of resistance, of course, you could have, and you said</p> <p>6 yes.</p> <p>7 So my question to you is this -- you agree --</p> <p>8 correct? That's accurate?</p> <p>9 <b>A. From a physical standpoint, yes.</b></p> <p>10 Q. Yes. So my question is, it's your testimony</p> <p>11 that you acquiesced and that it didn't become a physical</p> <p>12 force issue; correct?</p> <p>13 MS. LEVINE-GRONNINGSATER: Objection, misstates</p> <p>14 testimony.</p> <p>15 MS. WEINTRAUB: You can answer.</p> <p>16 <b>THE WITNESS: That it didn't become a physical</b></p> <p>17 <b>force?</b></p> <p>18 BY MS. WEINTRAUB:</p> <p>19 Q. I mean -- it wasn't him forcing against your</p> <p>20 resistance. I mean, there was no resistance, as we just</p> <p>21 established. You acquiesced -- for whatever reason, you</p> <p>22 acquiesced; right? You're shaking your head yes, but I</p> <p>23 need you to answer "yes" or "no."</p> <p>24 <b>A. I understand. Because -- at first, I did kind</b></p> <p>25 <b>of resist, but, then, eventually, yes, you could say I</b></p>
<p style="text-align: right;">Page 204</p> <p>1 <b>acquiesced into what he wanted me to do.</b></p> <p>2 Q. Or what he thought he wanted.</p> <p>3 <b>A. Okay.</b></p> <p>4 Q. So the point is that you didn't have to overcome</p> <p>5 it -- I mean, there was no force to overcome; fair</p> <p>6 statement, however you put it?</p> <p>7 Physically, you could have taken him on at any</p> <p>8 time, pushed him away, done whatever you needed to do,</p> <p>9 but you didn't. Is that accurate?</p> <p>10 <b>A. That's accurate.</b></p> <p>11 Q. Okay. Now, you said you turned the handle on</p> <p>12 the door; right?</p> <p>13 <b>A. I didn't say turn, I said grabbed.</b></p> <p>14 Q. Grabbed the handle -- how did it open?</p> <p>15 <b>A. Again, it was a sliding door.</b></p> <p>16 Q. Right. And there's a handle. What did you do</p> <p>17 with it?</p> <p>18 <b>A. From what I remember, I slid the door open.</b></p> <p>19 Q. Okay. When you opened the door, who was there?</p> <p>20 <b>A. I didn't see anybody.</b></p> <p>21 Q. Did you hear people there?</p> <p>22 <b>A. I didn't.</b></p> <p>23 Q. But, obviously, it's possible that people were</p> <p>24 there and you just were not paying attention at that</p> <p>25 time?</p>	<p style="text-align: right;">Page 205</p> <p>1 <b>A. It's possible -- not in my direct line of sight,</b></p> <p>2 <b>but it's possible.</b></p> <p>3 Q. Okay. Where were you staying when you -- on</p> <p>4 December 15, 2014?</p> <p>5 <b>A. The model apartment --</b></p> <p>6 Q. Address?</p> <p>7 <b>A. It was on Boerum Street.</b></p> <p>8 Q. In Brooklyn?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. How did you -- what did you do when you left</p> <p>11 Bruce Weber?</p> <p>12 <b>A. I walked.</b></p> <p>13 Q. Where?</p> <p>14 <b>A. To the Williamsburg Bridge.</b></p> <p>15 Q. And?</p> <p>16 <b>A. I walked home.</b></p> <p>17 Q. Did you call anybody on the way?</p> <p>18 <b>A. No.</b></p> <p>19 Q. Talk to anybody on the way?</p> <p>20 <b>A. I believe I remember texting with Jason Kanner.</b></p> <p>21 Q. Where are the texts?</p> <p>22 <b>A. They're on an old phone.</b></p> <p>23 Q. What did you text?</p> <p>24 <b>A. I remember he -- I remember he asked me how it</b></p> <p>25 <b>went.</b></p>

## JASON BOYCE

July 09, 2019

<p style="text-align: right;">Page 214</p> <p>1 BY MS. WEINTRAUB:</p> <p>2 Q. So in the light gray, if you will, on the first</p> <p>3 page, December 16th, 2014, 1:06 p.m., "Just met and shot</p> <p>4 with Bruce Weber."</p> <p>5 That's you; right?</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. David Todd responds, "Love it. Isn't he the</p> <p>8 best?"</p> <p>9 Correct?</p> <p>10 <b>A. Correct.</b></p> <p>11 Q. Next is your writing in the light gray; correct?</p> <p>12 <b>A. Correct.</b></p> <p>13 Q. And your words were, "Such a nice guy. So</p> <p>14 encouraging. Will you ask him what he thought of me?"</p> <p>15 Those are your words; yes?</p> <p>16 <b>A. Correct.</b></p> <p>17 Q. David Todd says, "Of course" -- on the next page</p> <p>18 -- "he remembered you; right?"</p> <p>19 And your answer is, "Yes, he's never seen</p> <p>20 anybody like that; that I was so beautiful. But maybe</p> <p>21 he was just saying that to me. I know if you ask him,</p> <p>22 you'll get the real story," happy face.</p> <p>23 Accurate?</p> <p>24 <b>A. Accurate.</b></p> <p>25 Q. Jason -- I mean David Todd says to you, "Okay,</p>	<p style="text-align: right;">Page 215</p> <p>1 you are gorg thigh, Jason."</p> <p>2 What does that mean?</p> <p>3 <b>A. I don't know -- I think that's a typo.</b></p> <p>4 Q. Okay. And you write what?</p> <p>5 <b>A. "Thank you. I'm getting more and more</b></p> <p>6 <b>self-confidence. I know it's a problem area for me,</b></p> <p>7 <b>hearing no for so many years. But with you in my corner</b></p> <p>8 <b>and J" --</b></p> <p>9 Q. Actually, go on the next page. You'll see the</p> <p>10 whole thing better.</p> <p>11 <b>A. -- "and hopefully Bruce, I can't help but be</b></p> <p>12 <b>confidence. Yes, I'll work with him for you. Thank</b></p> <p>13 <b>you."</b></p> <p>14 Q. And this is the day after the pictures were</p> <p>15 taken?</p> <p>16 <b>A. Correct.</b></p> <p>17 Q. This is the day after the pictures are taken by</p> <p>18 Bruce Weber. And there was no reason on earth for you</p> <p>19 to lie to David Todd, was there?</p> <p>20 <b>A. Yes, there was.</b></p> <p>21 Q. And what was the reason you lied?</p> <p>22 <b>A. I didn't want anybody to know this.</b></p> <p>23 Q. The only contemporaneous record that exists</p> <p>24 close to the taking of the pictures.</p> <p>25 Is this text exchange with you and David Todd,</p>
<p style="text-align: right;">Page 216</p> <p>1 which you initiated; agree?</p> <p>2 <b>A. Agree.</b></p> <p>3 Q. You say that you texted Jason Kanner, although</p> <p>4 we don't have it; correct?</p> <p>5 <b>A. Correct.</b></p> <p>6 Q. There's no evidence that you said it was kind of</p> <p>7 weird; right?</p> <p>8 <b>A. Correct.</b></p> <p>9 Q. You didn't tell Jason Kanner why you thought it</p> <p>10 was weird, even if you did say that, did you?</p> <p>11 <b>A. Correct.</b></p> <p>12 Q. You were not too embarrassed to send in zoomed</p> <p>13 in penis pictures to Jason Kanner; right?</p> <p>14 <b>A. Correct.</b></p> <p>15 Q. You were not too embarrassed to tell David Todd</p> <p>16 you loved -- hell, yeah, I love shooting in the nude,</p> <p>17 it's great. I was born for it; right?</p> <p>18 <b>A. Correct.</b></p> <p>19 Q. And, yet, now, you say that you were too</p> <p>20 embarrassed to tell David Todd?</p> <p>21 <b>A. Correct.</b></p> <p>22 Q. Now, when something -- when something occurred</p> <p>23 with the photographer with Doug English, you told David</p> <p>24 Todd; right?</p> <p>25 He wants me to say cock and balls.</p>	<p style="text-align: right;">Page 217</p> <p>1 <b>A. I heard him.</b></p> <p>2 Q. I know you did, so I'm just repeating it out</p> <p>3 loud, because that's just how we refer to the exhibit,</p> <p>4 sorry.</p> <p>5 <b>A. It's okay.</b></p> <p>6 Q. So the truth is, is that when you wanted to</p> <p>7 refer to somebody and tell him what happened, even of</p> <p>8 the most intimate detail about him touching your cock</p> <p>9 and balls, you told David Todd, it was no big deal. You</p> <p>10 told him about it.</p> <p>11 <b>A. I told him about it.</b></p> <p>12 Q. And, yet, now you're claiming that this happened</p> <p>13 and you didn't tell him?</p> <p>14 <b>A. Correct.</b></p> <p>15 Q. And there was also another time, which we'll</p> <p>16 find, where you tell David Todd that Christian Rios was</p> <p>17 acting kind of funky with you, for lack of better --</p> <p>18 that's my term, not yours -- that you were</p> <p>19 uncomfortable, or he was uncomfortable. He wanted to</p> <p>20 hang out with you, you didn't want to, or something was</p> <p>21 going on. You didn't want to, he cancels the shoot.</p> <p>22 You say not cool -- do you remember that?</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. So, again, there was another situation where a</p> <p>25 photographer made you uncomfortable. You don't hesitate</p>



Page 246

1 **A. That sounds correct.**  
2 Q. Let's talk about April 2015, briefly.  
3 April 2015, Little Bear asks some agencies to  
4 send some modeling head pictures, or something, who then  
5 recommend for a potential project; right? You know  
6 that?  
7 **A. I don't recall that.**  
8 Q. Okay. Well, you know that Bruce Weber was going  
9 to hold a casting; right, in April 2015?  
10 **A. Yes.**  
11 Q. You also know that -- you also said that --  
12 well, you said two different things. You said -- first  
13 of all, were you aware of the fact that you were not  
14 picked to go on that casting, and that your agents  
15 literally begged Bruce Weber to let you go?  
16 **A. At the time, I did not know that.**  
17 Q. Do you know it now?  
18 **A. I know it now.**  
19 Q. Okay. So you were not included, they didn't  
20 even want you. And, yet, Kanner, again, gets his way  
21 and convinces Bruce to let you go; right, to the -- to  
22 the casting?  
23 **A. I believe so.**  
24 Q. Okay. So you were happy to go, because you  
25 wanted to get the job and work; right?

Page 248

1 **A. That was one part of it. Another part of it is**  
2 **that if I don't show up to a casting that -- you know,**  
3 **that is deemed -- that's grounds for my agency to cut me**  
4 **or let me go.**  
5 Q. Okay. But we talked -- I didn't mean to cut you  
6 off.  
7 **A. It's okay.**  
8 Q. So we talked about that before. I mean, if you  
9 didn't want to go to a casting, like with Equinox, you  
10 didn't have to go.  
11 **A. In LA, with David Todd, David Todd was a lot**  
12 **more lenient with that, because he wasn't footing my**  
13 **rent.**  
14 Q. How were you paying your rent? You still  
15 weren't -- you didn't make any money. 2014.  
16 **A. Right. They rack up a bill for you, so that**  
17 **puts pressure on me to show up to all my castings.**  
18 Q. Okay. So you're saying you never missed  
19 castings with him?  
20 **A. With Jason Kanner?**  
21 Q. Uh-huh.  
22 **A. To my recollection...**  
23 Q. Answer the question.  
24 **A. To my recollection, I don't remember**  
25 **specifically skipping out on castings.**

Page 247

1 **A. I wanted to work.**  
2 Q. And you wanted to work with Bruce Weber; right?  
3 That's why you were then texting him and trying to get  
4 him to shoot you again; right?  
5 **A. I wanted to work with -- I wanted to work.**  
6 Q. With Bruce Weber?  
7 **A. I wanted to -- if he had a job that paid, I**  
8 **wanted to work.**  
9 Q. What if it didn't pay? You weren't going to do  
10 it?  
11 **A. I would do it. I have to do it.**  
12 Q. Okay. So it had nothing to do with getting  
13 money; right?  
14 **A. Well, the hope is that eventually you will get**  
15 **money.**  
16 Q. Wishing and hoping again, but there's nothing to  
17 say that; right?  
18 **A. What do you mean?**  
19 Q. In other words, you don't even know what that --  
20 do you know what that casting was for, in April?  
21 **A. I don't know.**  
22 Q. You were going to go anyway, because you looked  
23 at it as though it's another opportunity of being in  
24 front of Bruce Weber; maybe that will be an opportunity  
25 to -- for the stars to open.

Page 249

1 Q. Okay. Is it accurate to say that you wanted to  
2 go to the casting with Bruce Weber and get the job? Yes  
3 or no.  
4 **A. I wanted to get the job, yes.**  
5 Q. And you knew it was with Bruce Weber; yes?  
6 **A. I knew it was with Bruce Weber.**  
7 Q. It's not true to say that you didn't want to go  
8 to that casting, because Mr. Boyce dreaded seeing  
9 Mr. Weber.  
10 That's not an accurate statement, is it?  
11 **A. In my head, yes, that is an accurate statement.**  
12 Q. You wanted to go, and you wanted to go, knowing  
13 it was Bruce Weber, and you wanted to get the job. All  
14 three things we just went through; yes?  
15 **A. I knew that Bruce Weber shot very high profile**  
16 **jobs, yes. I had pressure to make money and show up to**  
17 **my castings, yes.**  
18 **THE WITNESS: Can I pee? Is that okay?**  
19 MS. WEINTRAUB: Say that again? I didn't hear  
20 you.  
21 **THE WITNESS: Can I pee? Is that okay?**  
22 MS. WEINTRAUB: Would you like a men's room  
23 break? Yes, of course.  
24 **THE WITNESS: I just didn't know if I had to**  
25 **wait.**

Page 358

1 **sleepless nights, but this is more every day.**

2 Q. Are you still smoking pot every day?

3 **A. I'm not.**

4 Q. When did you stop?

5 **A. When my son was born.**

6 Q. Give me a date.

7 **A. December 4th, 2018.**

8 Q. Can you -- aside from sleepless nights, can you  
9 tell me anything else -- anything else specific or not?

10 **A. I get very low. There are times where I get**  
11 **very low on myself -- with depression, I guess you could**  
12 **say.**

13 Q. Because you didn't make that star? Is that what  
14 it's about?

15 **A. No, it's not.**

16 Q. Anything else?

17 **A. That's it.**

18 Q. And, again, that's something that we've gone  
19 through, that you've experienced before, after hearing  
20 and being rejected, year after year. You've had those  
21 feelings of being low since 2009, '10, '11, '12, '13,  
22 and '14 before December 15th. And now you're claiming,  
23 sometimes you still get like that?

24 **A. Not like this.**

25 Q. How is it different? Aside from the fact you're

Page 360

1 haven't talked about?

2 MS. LEVINE-GRONNINGSATER: Objection.

3 **THE WITNESS: Not that I can think of right now.**

4 MS. WEINTRAUB: Give me one minute.

5 MS. LEVINE-GRONNINGSATER: Counsel, time is up.

6 MR. ETRA: Right, we're going to talk for a  
7 minute --

8 MS. WEINTRAUB: I want to confer with my client  
9 and just ask him if there's anything else he wants to me  
10 to ask before we adjourn.

11 THE VIDEOGRAPHER: Are we going off?

12 MS. WEINTRAUB: Yeah, just for a minute.

13 THE VIDEOGRAPHER: We are now going off the  
14 video record. The time is approximately 8:02 p.m.  
15 (Off the record.)

16 THE VIDEOGRAPHER: We are now back on the video  
17 record and the time is approximately 8:03 p.m.

18 MS. LEVINE-GRONNINGSATER: Counsel, given that  
19 we're over time, can you let me know how many questions  
20 you have left, how much more time you're asking for.

21 MS. WEINTRAUB: Zero. I just wanted to be able  
22 to confer with my client, who's present, and ask him if  
23 there's anything else specific that he wanted. The  
24 answer is no.

25 At this time I have no further questions,

Page 359

1 asking for \$15 million dollars.

2 **A. How are my symptoms? Or what happens to me?**

3 Q. Yeah, yeah. How are your symptoms different  
4 when you're low now as opposed to being demoralized by  
5 not being able to get one job in a whole year in 2014?

6 **A. I cry, for hours.**

7 Q. When?

8 **A. When?**

9 Q. Well -- yeah, when do you cry? I'm being  
10 serious. I'm not being --

11 **A. When I'm at my low points. When I get those --**  
12 **when those waves of depression roll over you.**

13 Q. Okay. So -- but it doesn't affect -- we talked  
14 about your work. It doesn't affect your work. We've  
15 talked about that, a long time ago. You told me you  
16 supervise six people, you told me you work 40 to 60  
17 hours a week, you work every day, and there wasn't  
18 crying going on then.

19 So is it only -- I'm being serious. Is it on  
20 the weekends? Is it when you have time? Give me --  
21 give me specifics, if you can.

22 **A. There is no specific time of day or night.**

23 Q. Okay. Is there anything else that you are  
24 experiencing that goes under your mental anguish for  
25 this that you think entitles you to \$15 million that we

Page 361

1 subject to the instructions where you instructed him not  
2 to answer and I said that I was reserving our rights to  
3 take it to the court -- which I am, and I will. That  
4 was subjective to further questioning at a later date.  
5 And other issues of -- regarding documents that we  
6 haven't yet -- that have not yet been produced. And  
7 I'll leave it at that. Subject to those reservations, I  
8 have no further questions.

9 MS. LEVINE-GRONNINGSATER: I have a few  
10 questions. I'll be brief.

11

#### EXAMINATION

12 BY MS. LEVINE-GRONNINGSATER:

13 Q. Today, defense counsel listed a lot of examples  
14 of people and agencies passing on you.

15 Do you remember that?

16 **A. Yes.**

17 Q. When you met with Bruce Weber at the jewelry  
18 store, did he pass on you?

19 **A. No.**

20 Q. What did he do?

21 **A. He set up a photo shoot with me.**

22 Q. What did he -- strike that.

23 How did that make you feel?

24 **A. Good, confident, like validated, I guess.**

<p style="text-align: right;">Page 362</p> <p>1 Q. Why?</p> <p>2 <b>A. Because someone that's like a Bruce Weber that</b></p> <p>3 <b>has that much power and that much clout in the industry</b></p> <p>4 <b>actually taking the time to shoot with you was a big</b></p> <p>5 <b>deal, to me, as a model.</b></p> <p>6 Q. Can you be more specific as to why that's a big</p> <p>7 deal?</p> <p>8 <b>A. More specifically, shooting with someone like</b></p> <p>9 <b>Bruce Weber gives you what I would call street cred with</b></p> <p>10 <b>other -- with other clients, with people that look at</b></p> <p>11 <b>your book, with other photographers. It's a huge boost</b></p> <p>12 <b>to your resume as a model.</b></p> <p>13 Q. When did you find out that Bruce Weber wanted to</p> <p>14 photograph you?</p> <p>15 MS. WEINTRAUB: Objection to the form of the</p> <p>16 question. It's leading and Bruce Weber never said --</p> <p>17 and there's been no testimony, ever, orally, or in</p> <p>18 writing that Bruce Weber ever wanted to photograph him</p> <p>19 other than Jason Kanner convinced him to do a favor and</p> <p>20 agreed to the photo shoot. And I object to the form and</p> <p>21 ask you restate it, because you can't lead him. Thank</p> <p>22 you.</p> <p>23 MS. LEVINE-GRONNINGSATER: You can answer.</p> <p>24 <b>THE WITNESS: Am I allowed to answer it? My</b></p> <p>25 <b>recollection, it was after the meeting in the jewelry</b></p>	<p style="text-align: right;">Page 363</p> <p>1 <b>store.</b></p> <p>2 BY MS. LEVINE-GRONNINGSATER:</p> <p>3 Q. At the photo shoot, why did you let Bruce do the</p> <p>4 -- his breathing exercises?</p> <p>5 MS. WEINTRAUB: I'm sorry, I didn't hear your</p> <p>6 question. Can you repeat it?</p> <p>7 MS. LEVINE-GRONNINGSATER: Can you read back the</p> <p>8 question, please?</p> <p>9 (Record read.)</p> <p>10 <b>THE WITNESS: In the beginning? Or the whole --</b></p> <p>11 <b>through the whole -- through the whole incident, I</b></p> <p>12 <b>froze. I didn't know -- in my mind, I froze. I didn't</b></p> <p>13 <b>know what to do. I didn't know -- you know, on one</b></p> <p>14 <b>hand, I'm thinking, you know, I can't physically assault</b></p> <p>15 <b>this guy. You know, on the other hand, if I -- if I</b></p> <p>16 <b>reject him or don't let him do what he wants to do,</b></p> <p>17 <b>then, you know, he's not going to work with me, you</b></p> <p>18 <b>know, again.</b></p> <p>19 BY MS. LEVINE-GRONNINGSATER:</p> <p>20 Q. What do you mean when you said in the beginning?</p> <p>21 <b>A. I was clarifying at what point in the breathing</b></p> <p>22 <b>exercises were you talking about.</b></p> <p>23 Q. Okay. So let's start from the beginning. In</p> <p>24 the beginning, why did you let him?</p> <p>25 <b>A. Okay. When he started rubbing on my forehead</b></p>
<p style="text-align: right;">Page 364</p> <p>1 <b>with his thumb, I thought it was strange, to me, but a</b></p> <p>2 <b>forehead on the thumb -- or a thumb on my forehead, was</b></p> <p>3 <b>it, you know, violating? I thought it was strange, but</b></p> <p>4 <b>I really wanted to listen to him. He told me that if I</b></p> <p>5 <b>let him do this, you know, that I would -- I would be</b></p> <p>6 <b>able to relax and take a better photograph.</b></p> <p>7 Q. Do you believe that's why he did the breathing</p> <p>8 exercises?</p> <p>9 MS. WEINTRAUB: Objection.</p> <p>10 <b>THE WITNESS: Now, no.</b></p> <p>11 BY MS. LEVINE-GRONNINGSATER:</p> <p>12 Q. Why do you think he did the breathing exercises?</p> <p>13 MS. WEINTRAUB: Objection.</p> <p>14 <b>THE WITNESS: I believe he did them to see how</b></p> <p>15 <b>far he could take it.</b></p> <p>16 BY MS. LEVINE-GRONNINGSATER:</p> <p>17 Q. Meaning?</p> <p>18 <b>A. Meaning --</b></p> <p>19 MS. WEINTRAUB: Objection.</p> <p>20 <b>THE WITNESS: I think that it was his disguise</b></p> <p>21 <b>-- I think that was his disguise to put his hands on me.</b></p> <p>22 <b>That was what he used. He called them breathing</b></p> <p>23 <b>exercises. He said that I would be relaxed if I allowed</b></p> <p>24 <b>him to do this.</b></p> <p>25 MS. LEVINE-GRONNINGSATER: I have no further</p>	<p style="text-align: right;">Page 365</p> <p>1 questions.</p> <p>2</p> <p>3 <b>FURTHER EXAMINATION</b></p> <p>4 BY MS. WEINTRAUB:</p> <p>5 Q. When I questioned you about the jewelry store,</p> <p>6 asked you very specifically what did Bruce say to you,</p> <p>7 the only thing that you recalled was that he told you</p> <p>8 not to shave, and then you went on a whole thing about</p> <p>9 how he had a little stubble, but he liked it, and he</p> <p>10 thought you should have that for the pictures.</p> <p>11 Do you remember that? That's what you talked</p> <p>12 about?</p> <p>13 <b>A. I said where he talked about small talk, yes.</b></p> <p>14 Q. So is that your testimony, small talk, plus</p> <p>15 don't shave?</p> <p>16 <b>A. Yes, he said don't shave. And then he said that</b></p> <p>17 <b>he would -- from my recollection, said that he would</b></p> <p>18 <b>talk with Jason and set something up.</b></p> <p>19 Q. That was before you even met him, it had already</p> <p>20 -- we talked about this; there were e-mails about it.</p> <p>21 Jason Kanner had already gotten Bruce to agree. Yes or</p> <p>22 no?</p> <p>23 <b>A. I --</b></p> <p>24 MS. LEVINE-GRONNINGSATER: Objection.</p> <p>25 MS. WEINTRAUB: Answer.</p>



1 State of California )

2 County of LOS ANGELES )

3

4 I, Kathy Mannlein, Certified Shorthand Reporter,  
5 do hereby certify:

6 That prior to being examined, the witness in the  
7 foregoing proceeding was by me duly sworn to testify to  
8 the truth, the whole truth, and nothing but the truth;

9 That said proceedings were taken before me at the  
10 time and place therein set forth and were taken down by  
11 me in shorthand and thereafter transcribed into  
12 typewriting under my direction and supervision;


13 I further certify that I am neither counsel for,  
14 nor related to, any parties to said proceedings, nor in  
15 anywise interested in the outcome thereof.

16 In witness whereof, I have hereunto subscribed my  
17 name.

18

19 Dated: July 13, 2019

20

21   
22 Kathy Mannlein  
23 CSR No. 13153

24

25

JASON BOYCE

July 09, 2019

Exhibits	Exhibit 17	Exhibit 35	6:14 317:5	3,20 207:23
	5:2 82:1,3	5:21 176:23		328:21 336:22
	Exhibit 18	177:1	<b>Exhibit 53</b>	358:21
	5:3		6:15 319:21,	
<b>Exhibit 1</b>	<b>Exhibit 19</b>	<b>Exhibit 36</b>	25	<b>10-</b>
4:11 26:14,15,	5:4 88:13	5:22		54:18
16		<b>Exhibit 37</b>	<b>Exhibit 54</b>	<b>100</b>
<b>Exhibit 2</b>	<b>Exhibit 20</b>	5:23	6:16 324:24	169:12 272:21
4:12 41:1,2	5:5	<b>Exhibit 38</b>	<b>Exhibit 55</b>	<b>10:24</b>
<b>Exhibit 3</b>	<b>Exhibit 21</b>	5:24 210:20,	6:17 347:14,	7:3,6
4:13 41:17,19	5:6 94:21,22	23	15	<b>11</b>
<b>Exhibit 4</b>	<b>Exhibit 22</b>	<b>Exhibit 39</b>		88:16 99:23
4:14 42:16,18	5:7 98:15,17	5:25	\$	113:1 120:20
<b>Exhibit 5</b>	<b>Exhibit 23</b>	<b>Exhibit 40</b>	<b>\$15</b>	236:21 328:21
4:15 43:4,6	5:8	6:1 213:24	335:24 342:19	336:23 358:21
<b>Exhibit 6</b>	<b>Exhibit 24</b>	<b>Exhibit 41</b>	359:1,25	<b>11/16/2017</b>
4:16 44:20	5:9 107:17,19	6:2 218:18	<b>\$15,000</b>	283:22
<b>Exhibit 7</b>	<b>Exhibit 25</b>	<b>Exhibit 42</b>	54:18	<b>11/4/2015</b>
4:17	5:11 112:1,3	6:3	<b>\$500</b>	124:19
<b>Exhibit 8</b>	<b>Exhibit 26</b>	<b>Exhibit 43</b>	47:1	<b>11/5/2015</b>
4:18	5:12 114:14	6:4	<b>\$600</b>	124:23
<b>Exhibit 9</b>	<b>Exhibit 27</b>	<b>Exhibit 44</b>	147:3	<b>11/8/2016</b>
4:19	5:13 115:1	6:5 238:3	<b>\$900</b>	276:9,18
<b>Exhibit 10</b>	<b>Exhibit 28</b>	<b>Exhibit 45</b>	91:3	<b>11:27</b>
4:20 56:21,24	5:14 123:25	6:6 235:19		61:10
<b>Exhibit 11</b>	<b>Exhibit 29</b>	238:13,20,23	<b>0</b>	<b>11:43</b>
4:21	5:15	<b>Exhibit 46</b>	<b>09</b>	61:13
<b>Exhibit 12</b>	<b>Exhibit 30</b>	6:7 251:1,5	100:21	<b>11th</b>
4:22 63:10,13	5:16 131:9,11	<b>Exhibit 47</b>		285:6,9,13
<b>Exhibit 13</b>	<b>Exhibit 31</b>	6:9 282:22,25	<b>1</b>	286:23
4:23 67:25	5:17 145:24	<b>Exhibit 48</b>		288:10,12,22
68:2	146:9,11	6:11 283:19	<b>1</b>	<b>12</b>
<b>Exhibit 14</b>	<b>Exhibit 32</b>	284:14,15	26:14,15,16	63:10,13
4:24 71:1,2	5:18 160:22	<b>Exhibit 49</b>	243:2	120:20 236:21
<b>Exhibit 15</b>	<b>Exhibit 33</b>	6:12 287:7,12	<b>1,000</b>	328:21 358:21
4:25 79:10,12	5:19 167:14	<b>Exhibit 50</b>	14:3 46:25	<b>12th</b>
<b>Exhibit 16</b>	<b>Exhibit 34</b>	6:13 296:5,7	<b>10</b>	90:20 131:18
5:1 80:15,16	5:20 201:15	<b>Exhibit 52</b>	45:5 56:21,24	280:18,22
			120:20 200:2,	281:11 282:1,

JASON BOYCE

July 09, 2019

9 286:24 287:3,17,25 288:9,15,24 291:16 334:22	16 240:7 327:18 <b>1636</b> 275:3 <b>167</b> 293:16,24 <b>16th</b> 214:3 224:22 240:11 305:21 <b>17</b> 82:1,3 <b>170</b> 188:22 <b>175</b> 188:22 <b>17th</b> 224:22 <b>18</b> 21:12 28:8 88:12 <b>1827</b> 283:6 <b>18th</b> 218:8 219:1 225:1 229:12, 16,20 <b>19</b> 88:13,15 174:13 <b>1901</b> 7:10 <b>1986</b> 8:21 <b>19th</b> 8:21 63:7 66:21 80:21 <b>1:06</b>	214:3 <b>1:23</b> 140:19 <hr/> <b>2</b> <hr/> <b>2</b> 41:1,2 243:3 <b>20</b> 56:10 144:19 198:22,23 200:2,3,20 207:23 251:18 <b>20-minute</b> 183:21,22 <b>2000</b> 312:2 <b>2000-</b> 30:22 34:1 38:10,14 50:7 56:9 85:20 117:3 124:5 219:4 267:4 310:20 <b>2005</b> 238:14 <b>2009</b> 26:19 27:3,20 28:4 30:23 34:1,5 38:18 45:4 50:7 53:1 54:25 67:3 100:23 120:20 124:5 236:19 293:18 294:11 328:20 336:22 358:21 <b>2010</b> 40:5 44:12 45:6 46:6	50:10 51:11, 23 52:7 54:3 59:1,11 62:2,5 67:3,13 69:25 99:23 100:19, 24 101:18 104:9 105:2 113:1 236:21 <b>2011</b> 13:5,14 34:13 38:3 40:23 46:8,13 50:12 51:14 86:3 105:8 106:2, 13 108:9 109:19 111:4 153:10 <b>2012</b> 50:14 51:16 86:3,5 117:13, 20 125:6 <b>2012/2013</b> 86:6 <b>2013</b> 34:5,11,21 35:2 46:25 47:6,9 48:3 50:16 51:18 53:7 59:21 86:15 110:24 111:13,14 236:25 237:3 270:25 271:9 310:20 312:2 357:21 <b>2013/2014</b> 10:2 86:16 <b>2014</b> 10:1 35:7 48:22 49:14 50:18 51:7,20,	23 52:7 53:3 54:4,25 55:7,9 56:9,22 58:3, 13,18 62:1,2, 5,20 63:7 66:21,23,24 79:9 80:21 83:3,22 85:20 86:17 89:20 90:14 91:19 93:16 94:19 95:9,23 96:1, 8,16,20 98:20 99:20 100:17 113:22 114:17,19 115:23 116:20 124:12 141:6, 21,25 142:24 205:4 213:5,9 214:3 218:9 219:1,4 220:7 225:14 230:5, 13 231:1,23 233:12,24 234:5,21 237:5 248:15 252:7 293:11 294:2,24 301:19 302:23 310:21 311:12 314:2 327:23 328:21 336:17 337:14 338:3, 4,20 343:6,23 344:3 356:25 357:7,8 359:5 <b>2015</b> 10:1 23:10,11 38:14 85:20 86:17 131:12 230:20 234:22 235:17 236:1
---	--	---	--	---

JASON BOYCE

July 09, 2019

238:22,25 239:1,14 243:19 244:4 245:2,18,24 246:2,3,9 253:10 267:5 293:18 294:8 302:6,9 310:20 327:17,18 328:17 329:4 342:13 344:3 347:11 348:14 351:21 352:9 357:5,8	218:11 <b>20th</b> 94:19 95:8 108:9 219:4, 23 <b>21</b> 94:21,22 <b>22</b> 98:14,15,17 <b>22nd</b> 220:7 <b>23</b> 108:4 <b>235</b> 282:15,17 <b>23rd</b> 250:11 253:21 254:8 <b>24</b> 28:10 56:15 57:3,6 107:17, 19 <b>24-hour</b> 219:20,22 255:12 <b>24th</b> 56:22 129:21 130:14 <b>25</b> 28:10 112:1,3 198:22,23 <b>26</b> 10:23 114:13, 14 <b>27</b> 10:23 115:1 <b>27th</b> 239:9	<b>28</b> 58:13 62:7 79:2 115:18 123:25 294:2 <b>28th</b> 339:8 <b>29</b> 14:23,25 <b>29th</b> 242:3 244:4 253:10 <b>2:00</b> 119:16 <b>2:05</b> 140:22 <b>2:59</b> 187:12 <b>2nd</b> 229:16 268:2, 20 <hr/> <b>3</b> <hr/> <b>3</b> 41:17,19 243:3 <b>30</b> 27:8 131:9,11 169:22 184:25 200:2,3,20 207:23 <b>30th</b> 239:13 <b>31</b> 145:24 146:9, 11 167:12 <b>31st</b> 347:11 348:13 351:21	<b>32</b> 160:16,17,22 167:13 <b>33</b> 167:10,14 200:24 <b>34</b> 167:9 200:24 201:15 <b>35</b> 176:23 177:1 200:24 <b>36</b> 179:4,23,24 180:1 <b>37</b> 179:23,24 180:1 <b>38</b> 210:20,23 <b>3:14</b> 187:15 <b>3:34</b> 202:6 <b>3:44</b> 202:9 <b>3rd</b> 47:9 245:24 <hr/> <b>4</b> <hr/> <b>4</b> 42:16,18 <b>40</b> 28:18 213:23, 24 359:16 <b>40-</b> 238:6 342:2	<b>41</b> 218:18 <b>42</b> 222:19 <b>43</b> 222:21 <b>439</b> 9:18 <b>44</b> 91:2 238:3,7, 15 <b>45</b> 65:17 163:6 235:19 238:13,16,20, 23 252:24 <b>457</b> 8:23 9:14 <b>46</b> 251:1,5 282:18,19,21 <b>47</b> 282:19,20,22, 25 <b>48</b> 283:17,18,19 284:15 <b>49</b> 223:24 224:6 287:6,7,12,15 <b>4:41</b> 250:4 <b>4:54</b> 250:7 <b>4th</b> 10:15,17 358:7
---	---	--	--	--

JASON BOYCE

July 09, 2019

<b>5</b>	28:19 359:16	<b>8830</b>	7:3,6 61:10,13	<b>accusations</b>
<b>5</b>	<b>600</b>	212:19	<b>Abercrombie</b>	35:22 320:9
43:4,6 208:11	19:3	<b>8:02</b>	59:5 101:4	<b>acquaintance</b>
243:8 325:9	<b>6:22</b>	360:14	<b>abs</b>	264:8
<b>5-</b>	303:8	<b>8:03</b>	219:5,24	<b>acquiesced</b>
54:12	<b>6:25</b>	360:17	<b>absolutely</b>	203:11,21,22
<b>50</b>	304:22	<b>8:13</b>	55:7 102:12	204:1
33:8 225:18	<b>6:31</b>	369:12,15	339:1	<b>acted</b>
296:5,7	304:25	<b>8:30</b>	<b>Abundant</b>	18:16
297:14,21,25	<b>7</b>	210:14	13:7,20	<b>acting</b>
<b>50,000</b>		<b>9</b>	<b>Accept</b>	90:6 217:17
342:2	<b>70s</b>		187:4	299:11 330:1,
<b>51</b>	189:12	<b>9</b>	<b>accidentally</b>	10 332:4
355:9,10,16,	<b>75</b>	7:2	72:13,18	345:16
25 356:3,7	243:24	<b>90</b>	<b>accountable</b>	<b>actively</b>
<b>52</b>	<b>78</b>	169:13	349:3	329:16
317:5	211:21	<b>90s</b>	<b>accuracy</b>	<b>activity</b>
<b>53</b>	<b>7:14</b>	262:2	35:22	75:9
319:21,25	341:14	<b>92614</b>	<b>accurate</b>	<b>actor</b>
<b>54</b>	<b>7:30</b>	8:23	27:18 35:17	269:8,12,18,
322:13 324:24	341:17	<b>946</b>	112:21 167:25	22
<b>55</b>	<b>7:46</b>	114:24	168:1,3,15	<b>actual</b>
347:14,15	354:10	<b>9:00</b>	201:8 203:8	72:21
<b>5:57</b>	<b>7:50</b>	186:19	204:9,10	<b>Adderall</b>
303:5	354:13	<b>9:48</b>	209:22 210:6,	271:25 272:2,
<b>5S</b>	<b>7th</b>	288:2	8,11 212:14	12 311:4
208:12 325:5,	90:14 236:1	<b>9th</b>	214:23,24	<b>address</b>
10	279:20	7:7	222:1 249:1,	8:22 26:21,22,
<b>6</b>	<b>8</b>	<b>A</b>	10,11 254:13,	23 151:12
<b>6</b>	<b>8</b>	<b>A&amp;f</b>	17 257:16,19	205:6
44:20	251:2 257:21	58:16,17,18,	273:10,19	<b>addresses</b>
<b>6'1"</b>	<b>8,000</b>	23 59:4,16	274:15	9:12
188:12,14,17	341:23	99:23 104:9,	275:12,13	<b>adjourn</b>
<b>60</b>	<b>80s</b>	11,14 108:20	282:2 295:21	360:10
	262:1,2	<b>a.m.</b>	300:24 308:24	<b>adjourned</b>
			309:5 313:2,9	369:15
			347:8	<b>adjusted</b>
			<b>accurately</b>	72:11
			256:22	

JASON BOYCE

July 09, 2019

<b>administered</b> 8:14	<b>afraid</b> 233:13	55:2,3,6,8,10, 11,20,25 56:3, 5 75:2,5,7 79:22 85:8 95:12 97:2 103:20 104:2 116:2 123:3 129:22 133:3, 7 135:20,24 136:3 141:20 172:15,16 173:15,18 174:13 175:3 178:19 179:10 180:11 184:20 186:9 187:10 189:5 190:15, 22 191:24 192:7,8 199:18 200:1, 3 203:7 211:10 216:1, 2 220:5,6 226:7 232:13 238:11,12 240:23 257:14 275:22 278:3, 4,5 284:4,5 293:18,22,25 294:8,12,17, 21 298:22,23 307:11,24 312:17 314:15,21 326:17 328:25 333:14,15,20 334:17,19,20 336:13 339:11,24 349:21 365:21	106:1 117:22 120:23,24 121:17,18 138:10,20 139:17 140:17 142:6 146:9 174:10,11 178:12 180:11 191:24 227:3, 6 232:11,12 238:17 244:16 284:19 302:25 303:1 307:13 352:10,19,20 362:20	<b>alleged</b> 207:22 298:9 301:24,25 302:19 343:2, 12 <b>alleges</b> 316:25 <b>alleging</b> 317:9 <b>allowed</b> 362:24 364:23 <b>alluded</b> 296:25 298:1, 10 <b>alter</b> 85:16 <b>altogether</b> 27:10 <b>amazing</b> 212:10 <b>ambitious</b> 195:1 <b>Americana</b> 123:13,20 180:25 <b>amount</b> 193:17 301:8, 9 <b>Anaya-lucca</b> 23:6,16 <b>and/or</b> 124:13 265:2 <b>Andrew</b> 320:21 345:2, 11 <b>Angeles</b> 7:1,11 9:19 15:13 86:14
<b>admits</b> 271:21 307:3 348:18	<b>age</b> 18:16 20:13 57:12 152:25	<b>agencies</b> 31:4 48:14 50:4 60:4 246:3 330:19 361:15	<b>agreeing</b> 326:2 <b>agreement</b> 60:25 61:17 <b>ahead</b> 154:1 197:14, 16 332:3 344:18 355:7 <b>ahold</b> 188:6 195:13 <b>air</b> 238:8 <b>airs</b> 221:20 <b>alcohol</b> 312:4 <b>Aldo</b> 37:16 <b>Alex</b> 265:18 <b>allegation</b> 16:8 294:24 298:8 301:18 334:1,23	
<b>admitted</b> 322:7,13 328:20 351:4	<b>agency</b> 33:16 48:17 49:4 50:24 51:2 60:15,17 147:2 248:3 264:11 329:16 330:14 346:14	<b>agent</b> 24:19 27:23 36:14 54:17 60:6,9 62:21 64:18 70:10 75:22 94:1 120:15 130:12 137:20 145:9 236:16,18 339:19		
<b>advance</b> 91:4 286:19, 21 346:17,18 350:1,6		<b>agents</b> 38:23 92:8 102:21 103:9 109:7 113:12, 13 128:25 188:16 222:10 231:23 232:8 246:14 334:13,14 336:11		
<b>advances</b> 349:23		<b>agree</b> 24:24 25:2 32:19 39:2 47:4 48:9		
<b>advantage</b> 351:4				
<b>advantageous</b> 130:12				
<b>advertising</b> 31:23				
<b>advice</b> 17:10,25 339:19				
<b>affect</b> 85:18 86:21 349:7 352:5 359:13,14				
<b>affected</b> 352:7				
<b>affidavit</b> 318:14 320:14				
<b>affiliations</b> 7:15				
<b>afford</b> 91:8				



JASON BOYCE

July 09, 2019

91:20 119:11 264:13	291:7,8,16 294:16,20,23 301:21 303:12	<b>appointment</b> 286:19,21	354:23 368:18	<b>assault</b> 277:23 279:15
<b>anger</b> 297:8 344:23	<b>anxious</b> 276:19 341:5	<b>appointments</b> 340:13	<b>argumentative</b> 127:5 134:16 136:6 222:4 228:10 256:11 281:5 332:13 333:10 336:5 337:21 342:21 344:16 350:18 368:13	285:10 334:23 343:12 363:14
<b>angle</b> 179:14	<b>anymore</b> 57:4 125:23 158:13,14 172:18 313:21 347:12	<b>appreciates</b> 146:15		<b>assaulted</b> 16:22 305:24 306:14,22
<b>angry</b> 297:10 298:11 303:13,14	<b>Anything's</b> 291:21	<b>approach</b> 11:8	<b>arm</b> 39:21,24 195:13	<b>assessed</b> 277:19
<b>anguish</b> 357:12,13 359:24	<b>apartment</b> 205:5 208:25 209:15 219:13 259:6	<b>approached</b> 27:22 181:4 196:12	<b>Arnoldo</b> 23:6	<b>assistant</b> 156:4
<b>Ania</b> 7:12	<b>apologize</b> 26:15 63:5	<b>approve</b> 22:13	<b>arrange</b> 145:9	<b>assistants</b> 155:25
<b>ankles</b> 189:20	<b>app</b> 327:6	<b>approximately</b> 7:6 54:3 61:10,13 140:19,22 187:12,15 202:6,9 250:4, 7 303:5,8 304:22,25 341:14,17 354:10,13 360:14,17 369:12	<b>arranged</b> 121:1 146:18	<b>assume</b> 80:18 242:5 292:7
<b>Anna</b> 7:24 8:3 36:8 148:19 184:19 251:3 327:11	<b>apparently</b> 84:10 109:13 138:4 290:18, 19 297:19 324:17	<b>April</b> 108:9 111:4 226:15,19 239:9,13 245:24 246:2, 3,9 247:20	<b>arrested</b> 10:11 11:4,20	<b>athletic</b> 18:19,24 20:3, 5
<b>annoyed</b> 137:2,4	<b>appeal</b> 98:1	<b>Ardolf</b> 262:25	<b>arrived</b> 152:16	<b>attack</b> 280:18 283:12 312:8
<b>answering</b> 140:10 144:10,17 149:15 164:15	<b>appealed</b> 101:5,6	<b>area</b> 196:17,20,21 215:6	<b>articles</b> 123:11	<b>attempt</b> 77:9
<b>answers</b> 52:1 284:18	<b>appearances</b> 7:15	<b>areas</b> 314:25	<b>Artist</b> 34:19 60:18 345:3	<b>attempts</b> 112:25
<b>anxiety</b> 17:6 78:2,3,10 85:2,8 273:4, 16 274:4,5,6, 8,10,12 275:4, 14,15,21,23 276:6,14,21 277:5,10,15, 20 278:1,5,10, 13 279:3,5,16, 17 280:9	<b>appearing</b> 189:7	<b>arguing</b>	<b>Arts</b> 175:7 235:1,2	<b>attend</b> 19:6
	<b>appears</b> 351:18		<b>Asia</b> 330:16	<b>attended</b> 235:6
	<b>applications</b> 19:22		<b>asks</b> 246:3	<b>attention</b> 158:24 204:24 244:11 259:20
			<b>aspired</b> 135:22	<b>attesting</b> 318:15
			<b>ass</b> 346:3	<b>attitude</b> 62:9

JASON BOYCE

July 09, 2019

<b>attorney-client</b> 261:16	169:25 170:24 182:2 183:10 186:20,21 187:1,2,7,14 189:23 193:5, 25 194:2,5,19 195:9,14,18, 24 196:10,23 197:2,17 198:4,25 202:8,11 208:25 209:15,18 224:23 225:1 226:13,24 229:23 230:18 233:11 234:20,22 235:18,21 236:5,7,9,12 238:15 240:8 242:25 244:17 245:13 250:6 253:13 254:21 255:23,24 270:25 273:6 280:13 283:22 286:15 295:15 296:15,22 298:16 299:19 302:17 303:7 304:24 313:3 316:6 319:9 320:20 325:14 340:1,4,16 341:16 342:6 343:23 349:5 350:9,11 354:12 355:1 357:8 360:16 363:7	<b>backwards</b> 9:16 138:18 <b>bad</b> 100:25 143:21 161:2 302:3 <b>bag</b> 165:12,14 <b>ball</b> 73:25 210:9 <b>Ballpark</b> 312:1 <b>balls</b> 71:9 72:15 216:25 217:9 <b>banter</b> 79:21 <b>Barney's</b> 130:1 <b>bartender/ server</b> 37:24 <b>bartending</b> 96:11 301:5 311:14 <b>base</b> 341:23 <b>baseball</b> 19:8 <b>based</b> 104:5 201:8 279:12 322:6 <b>bashful</b> 99:10 <b>basically</b> 11:13 17:20 25:8 62:1 95:13 103:25 118:12 127:19	178:11 212:22 293:19 302:22 318:15 319:2 321:9 347:17 <b>basis</b> 73:7 103:8 127:23 208:3 331:2,8 335:22 337:11 <b>basketball</b> 19:8,9 <b>Bates</b> 243:9 275:3, 17 283:6 <b>bathroom</b> 219:10,14,15 233:4 <b>Beach</b> 10:16 <b>bear</b> 8:2 107:12 110:25 146:19 152:9 153:18 154:4 199:20 246:3 250:24 <b>beard</b> 200:15 <b>beat</b> 328:22 <b>beating</b> 292:10 <b>beautiful</b> 180:21 197:15 214:20 220:17 <b>bed</b> 243:22 244:4 <b>bedroom</b> 219:11	<b>began</b> 164:6 168:12 171:13 188:9 195:14 <b>begged</b> 246:15 <b>begging</b> 57:14,15 242:12 <b>begin</b> 29:19 166:14 242:13 <b>beginning</b> 40:2 67:3 327:17 363:10,20,23, 24 <b>begins</b> 7:7 <b>behalf</b> 7:17 94:2,20 113:14,15 120:15 261:19 265:22 <b>behavior</b> 18:11 <b>believable</b> 260:10 <b>believed</b> 29:18 102:14 103:7 237:23, 24 261:12 297:7 313:14, 15 314:2 331:15 <b>believing</b> 128:15,19 <b>bell</b> 151:6 308:5
<b>attorneys</b> 186:8				
<b>audition</b> 36:15				
<b>August</b> 59:11				
<b>Avenue</b> 7:11				
<b>award</b> 342:19				
<b>aware</b> 54:16 123:21, 22 246:13 270:24 271:3 367:23 368:2				
<b>awesome</b> 55:22 339:6				
<b>awhile</b> 239:24				
<hr/> <b>B</b> <hr/>				
<b>back</b> 11:8 16:12 17:22 23:8 25:20 26:2 28:11 31:17 56:1 59:11 61:12 77:18 84:3 97:13 98:5 99:14 101:21 111:7 126:24 127:2 132:16 140:21 141:2 142:19 155:1,7,10 162:25 165:2, 3 166:20	<b>backing</b> 287:6			

JASON BOYCE

July 09, 2019

346:13	240:21 315:8	<b>blow</b>	49:15,17 50:4,	<b>boutique</b>
<b>Ben</b>	332:23 333:23	331:23	21 93:4	132:21
92:4 264:24	337:5,16	<b>blue</b>	229:15,21	<b>box</b>
<b>bench</b>	346:2 353:5	218:20	329:11 330:14	159:12
155:22,23	357:19 362:4,	<b>board</b>	346:9	<b>boxing</b>
157:15	6	53:19 329:15	<b>booker</b>	235:7,15
160:12,23	<b>bigger</b>	<b>boat</b>	345:3	349:3
161:4,6,8,12	147:24 307:1	347:21	<b>booking</b>	<b>boxy</b>
162:6 163:23	<b>biggest</b>	<b>Bobby</b>	41:14 42:1	106:16,18,19,
164:5 165:3	47:3	266:18	49:20 66:2	23 108:2
176:8 197:6,	<b>Bilinska</b>	<b>body</b>	<b>bookings</b>	338:16
11,19	7:12	70:5 108:2	126:7	<b>boy</b>
<b>bending</b>	<b>bill</b>	165:20,21	<b>books</b>	95:13
77:22	147:2 248:16	193:18,19	123:20	<b>Boyce</b>
<b>benefit</b>	<b>billboard</b>	240:16 348:25	<b>boost</b>	7:8 8:5,7,13,
306:9	32:9,15 33:5,	349:5	245:19 349:11	19,21 49:2
<b>Benjamin</b>	7,14	<b>Boerum</b>	353:5 362:11	52:23 63:6
264:7,20	<b>bills</b>	205:7	<b>born</b>	77:21 80:20
<b>Bernstein</b>	31:2 33:3 53:9	<b>Boland</b>	10:5 192:11,	95:13 98:13
7:22 114:24	270:6,10	29:24	13 216:17	103:22 105:18
201:25 211:21	<b>birth</b>	<b>boobs</b>	358:5	112:18,19
238:8	8:20	42:21 337:5	<b>borrow</b>	113:9 143:3
<b>betrayed</b>	<b>birthday</b>	<b>book</b>	91:4	146:1 218:11
83:16	82:23	41:25 42:10	<b>bossy</b>	219:6 220:17
<b>beverages</b>	<b>bit</b>	43:16 49:3,11	114:2	223:25 224:1,
282:8 283:7	44:19 163:12	56:12 57:11	<b>bother</b>	7,8 225:6,7,19
<b>big</b>	188:11 203:3	69:8 89:25	85:10	239:3,22
14:4 19:1 32:6	<b>black</b>	90:18 93:6	<b>bothered</b>	240:2 249:8
40:10 42:25	101:11 120:1	98:23 122:10	85:11	250:11 253:9
44:10 46:9,13,	<b>blame</b>	123:12 125:8,	<b>bottle</b>	257:16 260:20
18 72:17,21	39:16 331:9	9,10 128:22	171:5	261:1 275:25
102:14 122:4	<b>blessed</b>	182:12,13	<b>bottom</b>	276:14 294:1
126:17,22	212:9	218:11,24	57:8 105:18	345:18 355:7
129:25 130:3,	<b>Bloom</b>	262:20 264:16	243:11,24	369:10
6,7 133:2,4,6,	8:4,6 285:14,	307:20 315:16	251:2 257:23	<b>Boyce's</b>
9,22 143:6	17,18 286:9	346:12 362:11	<b>boundary</b>	12:23
155:9 158:16	287:22 288:5,	<b>booked</b>	87:13,23	<b>boyfriend</b>
159:10 165:23	13,25 289:5	40:1 45:20	89:10	83:5
168:21 169:3		48:10,15		<b>Braden</b>
217:9 223:6				146:7 260:11,

JASON BOYCE

July 09, 2019

17	<b>briefly</b> 238:22 246:2	22,23 304:14 305:6 312:3	22,25 130:15, 16,23 131:16, 19 132:25 133:14,15,16 135:10 136:16,19 137:6 138:5, 19,24 139:1,8, 13 140:2 141:7,18,19 142:1,8,22 143:7,25 145:9,16,25 146:15 147:7, 10 148:2,10, 12 153:18 154:19,21 155:24 156:24,25 157:16,21,23 158:9 162:14 163:9,18 164:4 168:17 174:19 180:5, 12 187:24 188:10,25 191:4,9,23 194:2 196:25 201:19 203:3 205:11 206:22 207:14 210:15 212:25 213:7, 13,18,21 214:4 215:11, 18 218:5 222:24,25 223:11,21 224:10 225:10 227:10 229:10,14 231:1,6,10,18 232:5,19,23 233:13,24 234:12,14,18	238:22 239:2, 9,14 240:12 242:3,4 244:7, 13,18 245:6, 19 246:8,15, 21 247:2,6,24 249:2,5,6,13, 15 250:24 253:9 254:13, 20 255:7,10, 14,22 256:2,5, 20 258:19 260:19 262:18 263:9,12 271:11 278:3, 6,11 279:18 280:16,25 303:16,20 304:8 307:12 312:23 314:10 318:14,15 321:6 328:22 329:3 330:8, 18,22 331:5,9, 25 332:18,23 333:6,22 334:5 335:11 345:20 352:9, 13,16,19,23 356:22 361:18 362:2,9,13,16, 18 363:3 365:6,21 366:11 367:13,21 368:7 369:11  <b>brushed</b> 72:13,18  <b>Bryan</b> 14:20,21,22 15:8,9 53:10 57:18,24 59:23 85:21
<b>brand</b> 31:22,24,25 87:18 97:23	<b>bring</b> 61:19 211:5,7 354:5	<b>Bruce</b> 7:9,18,19 16:23 51:5 55:8 56:6 59:3,12 62:23 71:19 79:19 90:17 93:13, 20,21,24 94:12,16,20 95:2,8,12 99:18,23 100:4,6,19,23 101:24,25 102:6,11,14, 20,25 103:6, 12,16,17 104:8 105:3,4, 5,10,13,14,20, 22 106:1,5,7, 12,14 107:1,3, 15,24 108:1, 18 109:2,5,8, 18,23 111:1,4, 6,14,16 112:4, 6,11,15,18,22 113:3,7,12 114:8,16,20 115:3,10,12, 13 116:21,23 117:14,17 118:6,11 119:8,10,18, 19,24 120:13, 22 121:4,10, 15 122:5,20, 23 123:1,9,11, 12,13,20 124:13 127:11,24 128:4 129:4,7, 8,9,14,17,18,		
<b>brands</b> 47:14	<b>bro</b> 286:7 287:20			
<b>bread</b> 352:24	<b>broke</b> 34:2 66:3 86:13 95:24 96:8 237:23			
<b>break</b> 61:25 86:2 114:3 140:15, 16 184:13 185:15,23 186:12,22 187:2,4,5,6 201:25 249:23 252:23 253:7 255:21 284:24 298:16 303:2 335:4,7 340:3 341:10,11 354:7	<b>broken</b> 85:25			
<b>breaking</b> 183:21 230:14	<b>Brooklyn</b> 124:11 205:8 207:1 208:25			
<b>breaks</b> 219:5	<b>brother</b> 9:22 14:22 15:9,23 18:8 39:14 57:18 59:23 272:3 289:17			
<b>breakthrough</b> 332:7,9,10,17, 20	<b>brother's</b> 14:19			
<b>breathe</b> 175:2	<b>brothers</b> 12:11			
<b>breathing</b> 201:3 363:4, 21 364:7,12, 22 367:22	<b>brought</b> 105:8 129:9 345:11			
<b>Brian's</b> 272:5	<b>Brown</b> 7:20 8:1 268:18 286:16 290:24 291:4 294:15,22 295:4,11,15, 17 296:24 298:7,24 299:21,25 303:10,15,19,			
<b>Bridge</b> 205:14 209:4				

JASON BOYCE

July 09, 2019

272:3 289:21 <b>bucks</b> 27:8 <b>buddy</b> 220:18 263:21,23 <b>building</b> 152:15 <b>bulge</b> 240:21,23 <b>bum</b> 96:8 <b>bunch</b> 48:14 127:11 253:18 260:3 <b>business</b> 28:20,22 48:6 79:16,18 80:1, 2 81:5,7 84:1 133:23,24 134:1,5,6,21, 23,24 185:12 232:9 <b>busy</b> 117:17 118:11 132:6,8 146:5 <b>buy</b> 326:2 <b>buying</b> 325:19 <b>BW</b> 181:8 197:4 <b>Byron</b> 14:20 <hr/> <b>C</b> <hr/> <b>caffeinated</b>	281:25 282:7 283:7 <b>Caleb</b> 20:22 <b>Cali</b> 108:2 <b>California</b> 7:1,11 8:23 10:6 186:11, 13,14 224:23 229:23 <b>call</b> 43:1 60:7 76:2,24 78:3 80:8 111:7 119:7,11 130:16 142:9 150:2 161:10 185:13 205:17 233:7 245:12, 13 251:13,14, 18 252:11 253:14 254:3, 20 255:22,23 256:20 257:7, 8 272:7 285:14,17,18, 21 291:2,3 307:5 317:9 318:1,21 319:3 357:9 362:9 <b>called</b> 10:6 12:23 13:19 63:4,7 117:10,11,13 118:11 125:22,24 141:7 142:10 157:6 197:11 235:6 254:20	279:20 285:6 303:24 319:2 321:9,16 323:21,24 326:5 340:15 341:6 364:22 <b>calling</b> 56:16 142:15 225:19 233:5 242:15 318:13,19 324:4,5 <b>calls</b> 61:16 131:18 138:15 142:8 183:25 345:12 <b>camera</b> 157:4,5,7,11 158:16 159:12,17,24 160:1,4,6 166:8,14 173:3,7 188:4 194:22 307:7 <b>cameras</b> 157:3,12 165:13 <b>campaign</b> 31:22,23 32:1 258:18 <b>campaigns</b> 101:4 <b>cancelled</b> 340:13 <b>cancels</b> 217:21 <b>captions</b> 80:12 <b>captures</b>	331:22 <b>car</b> 265:9 342:8 <b>cards</b> 327:24 <b>care</b> 222:10 267:14,15 <b>career</b> 39:17 54:24 64:3,22 66:1 128:19 293:19,21 294:11 328:20 336:17 <b>careers</b> 100:8 <b>carefully</b> 331:3 <b>cars</b> 342:12 <b>carve</b> 64:14 <b>case</b> 60:9,17 332:6 342:15 347:6 <b>casting</b> 36:13,15,17, 18 37:14 57:22 58:4,18 92:8 99:22 102:20 104:10,11,14, 15,20,21 110:8,10,18, 20 124:21 148:6 206:20 231:18 246:9, 14,22 247:20	248:2,9 249:2, 8 331:16 <b>castings</b> 37:1,19 46:25 58:7 59:4 248:17,19,25 249:17 329:18 <b>Castro</b> 320:21 345:2, 11 349:24 <b>catalog</b> 47:7,11,20 <b>catch</b> 253:10 <b>categorization</b> 275:20 <b>categorize</b> 13:22 133:12 <b>caused</b> 85:7,12,14 <b>causing</b> 78:2 <b>Cavallo</b> 7:21 <b>cell</b> 251:13 <b>center</b> 168:19 169:6 181:7 <b>cetera</b> 47:15 <b>chair</b> 163:24,25 164:1,4 165:4 346:2 <b>chairs</b> 162:10
--	---	---	---	---



JASON BOYCE

July 09, 2019

<b>challenge</b> 119:1	<b>check</b> 223:1 224:1,3, 8,10 225:7	<b>Christmastime</b> 132:4	223:8 323:9, 11,13 324:23	169:6 181:6 182:22 193:13 197:12,18,23, 24 207:13 215:24 259:8, 9 300:19 326:14
<b>chance</b> 24:23 33:8,13, 15 59:3 105:5 185:7 236:16, 17	<b>checked</b> 151:10 225:8	<b>Christopher</b> 266:16	<b>clarifying</b> 136:13 363:21	
<b>chances</b> 339:4	<b>checking</b> 151:7 225:10	<b>chronology</b> 168:14 182:7, 9	<b>class</b> 19:2 78:18,23 87:5	<b>closed</b> 71:23 155:18, 21 156:8,9,11, 12,19,20,23 200:11,18,19
<b>change</b> 103:6 319:12, 14 320:6,13, 19 321:24 322:4 337:13, 18 349:5	<b>cheek</b> 200:9	<b>church</b> 12:25 13:4,6, 19 14:14	<b>classes</b> 235:7,15 345:17	<b>closely</b> 300:17
<b>changed</b> 293:19,21 337:18	<b>Cheney</b> 261:23	<b>circle</b> 196:18	<b>classic</b> 123:13,20	<b>closest</b> 38:21
<b>character</b> 318:16	<b>chest</b> 40:11 192:24 193:1 194:9, 10,23 198:24	<b>circles</b> 166:4	<b>Clause</b> 128:10,15,16, 19	<b>closing</b> 239:10
<b>characterization</b> 322:4	<b>Chevy</b> 342:11	<b>circumstances</b> 263:16	<b>clean</b> 296:10	<b>clothed</b> 197:21
<b>characterize</b> 147:9	<b>child</b> 21:16	<b>City</b> 12:15,17 53:20,23 91:3 124:4,7 230:6 233:12	<b>clear</b> 100:3 103:13 149:22 150:19,22,24 151:2,4,7 168:11 175:23 201:11 243:1 276:5 280:13 314:20 323:18 356:14	<b>clothes</b> 157:18 158:11 179:19 196:16,23 197:17 198:5
<b>charge</b> 238:4	<b>children's</b> 13:18,19 14:7	<b>claim</b> 192:15 222:23,24 223:3 277:22 343:20 345:19 357:12,13	<b>client</b> 7:23 26:7 189:2 261:15 338:23,24 360:8,22	<b>clothing</b> 179:2
<b>charged</b> 11:22,23,24	<b>choices</b> 84:3	<b>claimed</b> 232:19	<b>clients</b> 206:21 300:21 338:22 362:10	<b>clouds</b> 64:2
<b>chat</b> 322:19	<b>chose</b> 22:9,10	<b>claiming</b> 207:14 217:12 306:13 335:10,13 343:11 344:13 347:5 352:22 358:22 367:12	<b>close</b> 15:23 28:1 39:10 101:24 129:6,19	<b>clout</b> 362:3
<b>Chateau</b> 125:3	<b>Chris</b> 7:21	<b>clarify</b> 133:20 134:20 141:3 203:1		<b>coaches</b> 349:4
<b>cheated</b> 83:12 344:5	<b>Christian</b> 13:23,24 18:14 21:21 217:16			<b>Cocaine</b> 310:13 311:4
<b>cheating</b> 85:4,6,7,9 344:11	<b>Christmas</b> 90:9,10 136:16,19 211:13 212:12,13 223:17 224:20			<b>cock</b> 71:9 72:14 216:25 217:8



JASON BOYCE

July 09, 2019

<b>Cocomer</b> 266:6	<b>commission</b> 341:24	<b>compromise</b> 185:8	<b>confused</b> 270:14 320:8, 9 323:5 356:8	<b>container</b> 165:5 171:3,4
<b>coffee</b> 125:8 283:23 312:12	<b>common</b> 60:3 201:21	<b>concludes</b> 369:9	<b>confusing</b> 267:21 322:10 323:15	<b>contemporane ous</b> 215:23
<b>coincidence</b> 290:17,20	<b>communicatio n</b> 143:24 208:6 244:16,18	<b>confer</b> 360:8,22	<b>congregation</b> 14:1,4	<b>context</b> 141:8,14 175:6 190:25 202:13 206:2 300:7 352:11
<b>coincidentally</b> 138:2	<b>communicatio ns</b> 327:13 356:22	<b>conference</b> 87:24 89:5,6, 10 262:13 263:2 345:25	<b>connection</b> 143:20	<b>continue</b> 85:23 184:3 221:10 290:14 331:14,15
<b>coke</b> 311:22	<b>company</b> 12:23 341:20	<b>confidants</b> 259:4	<b>consciously</b> 77:25	<b>continued</b> 303:16 304:7
<b>cold</b> 149:8	<b>compared</b> 189:8	<b>confide</b> 259:13	<b>consented</b> 78:13,15,16	<b>continues</b> 189:18
<b>colleague</b> 221:9,15	<b>competitive</b> 57:19 64:3 333:15,16	<b>confided</b> 285:10	<b>consequence</b> 143:15	<b>continuously</b> 183:5,7
<b>college</b> 19:12,15,25 20:2	<b>complaint</b> 35:8,9,11,13, 16,23,24 36:2 163:9 167:16, 24,25 168:14 223:7,21,22, 24 224:6,15 225:18 231:4	<b>confidence</b> 195:3,4 215:12 220:20 225:24 226:1 245:19 312:16,23 313:21 314:9, 11 334:16 348:24 349:7, 11,12 352:6,8 353:5	<b>considered</b> 27:12	<b>contract</b> 60:18
<b>color</b> 170:20	<b>complete</b> 312:16,23	<b>confident</b> 153:11 221:20 314:25 348:23 350:11 361:25	<b>consistently</b> 43:20 75:12	<b>contractor</b> 12:13
<b>comfortable</b> 24:22 25:9 67:7,10,20 70:3,5 74:10 97:11 290:9, 11,13	<b>completely</b> 95:24 284:2, 18 314:15,19, 20,21,23	<b>confidential</b> 61:17	<b>construction</b> 269:5,11 270:16 341:19	<b>control</b> 15:3
<b>command</b> 194:12	<b>complies</b> 178:5	<b>confirm</b> 222:14	<b>contact</b> 72:6,21 94:11 118:8 169:18 190:5 191:8 192:5 198:15, 25 199:3 200:24 201:5, 6 222:25 231:9 261:12 286:7 329:19, 20	<b>convenience</b> 221:23
<b>commenting</b> 316:12	<b>comply</b> 11:18	<b>conflict</b> 22:16 78:6	<b>contacted</b> 93:21,24 286:9 325:19	<b>conversation</b> 17:1,7,17 22:15 26:8 27:19 28:3 56:13,14 71:13 113:7 131:12 141:3, 6,17 142:21 143:2 144:3, 15 180:18 231:9 289:4
<b>commerc-</b> 118:1	<b>composite</b> 98:7 238:20	<b>confronted</b> 255:25	<b>contained</b> 61:16	

JASON BOYCE

July 09, 2019

319:23 324:6 354:15 <b>conversations</b> 106:4 113:11 <b>convince</b> 320:5 <b>convinced</b> 77:15 78:14 90:17 362:19 <b>convinces</b> 246:21 <b>convolution</b> 285:19 <b>cool</b> 217:22 <b>copy</b> 44:24 95:18 114:3,11 251:3 275:7 283:1,5 296:8, 10,14 322:20, 24 353:18 355:13,16 356:21 <b>core</b> 21:23,25 <b>corner</b> 140:25 155:7, 8 215:7 <b>correct</b> 9:21,23 10:3 13:3 16:7 21:22 25:12, 19 26:19 28:6, 14 36:20 38:17 40:3 43:3,12 45:4, 15,18,24 46:5, 14,24 49:13	50:6,21,23 51:1,4 52:4 53:6,8,18,20, 24 54:1,21 55:17 56:23 57:5 59:13,14 60:13,16,23, 24 62:13 64:9, 10 66:11,22 81:3,4 83:14, 15,16,20,21 84:16 86:5 87:14 89:13, 23 90:2,3,14 94:18 95:10 96:14,15 100:4,5,20 104:16 108:7, 12 111:9,11 113:6,10,18 116:21,22 121:3 126:15, 23 130:17,24 135:9 138:14 139:10,18 148:7 158:4 166:17 170:8 174:7,8,18 176:17 177:6 178:2,17,18, 21 179:20,21 180:3,4,7,14 182:1 189:9, 13 190:11 193:20 194:6 199:1 200:18, 22 201:18,20 202:18 203:8, 12 207:15,18, 19,20,23 208:2,3,4,5,23 209:1,2 211:14 212:5, 6 214:9,10,11,	12,16 215:16 216:4,5,8,11, 14,18,21 217:14 218:3, 4,6,7 219:8, 13,25 223:2 227:12 228:25 229:25 230:12,15,23 231:2,25 232:16,17 233:9,17 235:25 236:3, 24 237:2,4,6, 7,14 239:6,12, 16 242:7 243:23 245:7 246:1 251:21, 25 252:1,4,8 256:7 258:22 259:1 268:22 269:9,14 270:12 271:10,20,23 273:6 274:11 276:8,22 277:21,24 278:1 279:18 280:17 281:1, 23 284:8,10 285:8,12 287:18 288:14,18,19, 23 289:10,11 292:18 294:13 296:12 297:1, 13,22 299:7 300:2,16,18 301:22 305:23 307:14,23 308:18 309:7 312:18,19 313:11 314:24 315:17 316:22	319:7,15 320:6,13,15 323:3,7,12 324:11,20,22 329:2,5 330:2 335:2 339:21 343:9 345:10 347:10 366:23 <b>corrected</b> 325:8 <b>correction</b> 322:8 <b>correctly</b> 155:8 <b>correspon den ce</b> 56:20 <b>corroborate</b> 227:1,7 325:24 <b>Cosmetics</b> 47:1 <b>couch</b> 154:17,18,22 <b>coulda</b> 331:6 <b>counsel</b> 7:14 10:19 23:17 26:8 52:16 95:16 140:9 144:9 149:14 150:12 164:14 168:23 182:16 183:19 187:8 221:4 222:13 238:2 354:14 355:8 360:5,18 361:14 366:5	<b>counsel's</b> 231:12 <b>counseling</b> 295:19,22 <b>count</b> 16:6 54:8 174:14 176:23 183:4 <b>counting</b> 34:3 <b>country</b> 185:13 237:11 330:14 <b>County</b> 13:7 <b>couple</b> 86:25 157:12 189:22,23 193:11 219:2 235:23 252:17 264:12,13 272:16 312:11 356:10 <b>court</b> 8:9 184:14 221:5 261:1 353:23 354:5 361:3 <b>cover</b> 99:4 <b>covered</b> 25:4 138:11 <b>covering</b> 99:2,3,11,12 <b>Craigslist</b> 325:18 326:1, 22 <b>crawl</b> 210:8
---	---	---	--	--

JASON BOYCE

July 09, 2019

<b>crawling</b> 73:25	<b>cut</b> 12:2 17:13 46:16 142:2,3 248:3,5	<b>date</b> 7:7 8:19 10:22 35:12 38:9 90:23 108:8 117:16 125:4, 20 145:20,21, 23 213:10,11 218:25 226:11 244:25 267:4 276:17 282:8 301:19 311:25 326:7 358:6 361:4	13,18 82:16, 18 93:5 94:9, 11 101:18,21 102:3 103:14, 20,21,25 105:9,23,25 106:4,10,12 108:6,7 110:24 111:1, 7,13,15,19 112:3,6,10,12, 14,17 113:23 114:17,19 115:5 116:22 117:8 119:2, 12 121:19 123:18 124:2, 20 125:18 128:25 135:25 213:12,17 214:7,17,25 215:19,25 216:15,20,23 217:9,16 218:1 232:4, 14 236:20,22 248:11 264:24 265:6 293:8,9, 16,20 315:13 318:4 319:6 327:21 328:7 329:17 330:16 337:16 352:21	21 149:3,5,6 150:17,19,20, 23 210:10 212:24 213:12 215:14,17 219:2 224:21 228:15,21 229:5 235:21 252:12 258:8 276:8 286:6 290:16 300:13 301:18 308:17 311:7 329:1 352:21 358:1, 2 359:17,22
<b>crazy</b> 17:19,21 356:3	<b>cute</b> 79:17			
<b>crease</b> 179:7	<b>cuts</b> 242:4			
<b>creative</b> 104:17	<b>cutting</b> 208:16 231:20			
<b>cred</b> 362:9	<hr/> <b>D</b> <hr/>	<b>dates</b> 10:1 34:20 35:1 86:13 302:11 310:18 325:17		
<b>credibility</b> 258:25	<b>dad</b> 12:11,22 13:13,17 14:7 21:3,15 28:13 274:13 275:5, 16 276:15 278:18 279:1, 9	<b>David</b> 24:21 25:7 26:19,23 27:16,19,23 30:19,20,21, 25 33:17 34:2, 7 35:3 38:21 39:16 40:1 41:7,13,21 43:4,25 44:5, 7,9,23 45:16, 19 46:2,8,14 47:3,6,9 48:13,21 49:1 50:20 54:13, 16,22 56:9,10, 20 57:2 59:10, 11 60:10 62:21 63:24 64:19 67:13 68:6,10,12 69:3,22 70:21 71:4 72:15 74:2 79:23,25 80:6,12 81:8,		<b>days</b> 73:21 90:24 118:3,4 209:20 210:12 218:8 219:2 220:5 227:12 252:6
<b>cropped</b> 180:14	<b>damages</b> 281:2,7,12,19			<b>dead</b> 292:10 328:23
<b>cross</b> 87:13,23 89:11 135:7	<b>damn</b> 64:24			<b>deal</b> 44:12 72:17, 21 139:16 143:6 217:9 274:14 275:5, 16 276:15 278:18 279:9, 17 301:3 326:22 332:23 333:23 362:5, 7
<b>crossed</b> 89:15	<b>Dan</b> 7:20			<b>dealt</b> 278:2
<b>crossing</b> 209:5	<b>dance</b> 183:16			<b>debt</b> 350:8 351:20
<b>Cruz</b> 261:6,7,18	<b>dancing</b> 211:6 212:2		<b>David's</b> 38:23	<b>deceived</b> 84:20 344:5
<b>cry</b> 359:6,9	<b>Darrel</b> 261:23		<b>Dawn</b> 106:15 107:6, 7,24 111:10 153:10	
<b>crying</b> 359:18	<b>Darren</b> 49:12,20,25 93:1 98:6,10, 18 111:20 119:20 191:20		<b>day</b> 28:15 47:1 95:3 148:20,	
<b>cuff</b> 63:25				
<b>cured</b> 341:7				
<b>curious</b> 267:17				
<b>current</b> 8:22				

JASON BOYCE

July 09, 2019

<b>deceiving</b> 86:22	342:16	<b>demanding</b> 186:25	<b>Derek</b> 92:10	304:14
<b>December</b> 47:9 90:14,20 95:23 98:20 99:20 115:23 116:20 119:18 121:2 131:18 145:22 146:18 205:4 213:5,9 214:3 218:8 219:1,4,23 220:7 225:13 226:16 229:16,20 230:5,13,25 233:12,24 234:5,21 242:12 252:7 255:3 293:18 294:24 301:18 302:23 313:10 314:2 336:17 337:13 338:4 343:6,23 344:2 356:25 358:7,22	<b>deck</b> 10:24,25 <b>declaration</b> 319:10 320:6 321:6 323:4, 20 324:22 <b>declined</b> 308:19 309:5 <b>deemed</b> 248:3 336:12 <b>defend</b> 228:7,12 <b>defendant</b> 60:23 250:24 <b>defense</b> 361:14 <b>defensive</b> 133:19 <b>Define</b> 350:4 <b>definition</b> 32:14,15 135:18 <b>definitions</b> 291:7,23 <b>deletes</b> 325:15 <b>deletions</b> 208:14 <b>deliberate</b> 304:10 <b>deliberately</b> 295:8 <b>demand</b> 268:6 326:13	<b>demoralized</b> 359:4 <b>denies</b> 283:6 <b>denomination</b> 13:21 <b>deny</b> 46:11,12 213:8 293:2,4 <b>denying</b> 27:18 <b>department</b> 132:12 <b>depends</b> 32:14 <b>depo</b> 17:14 <b>deponent</b> 26:7 <b>deposition</b> 7:8,9,13 8:10 9:4 36:4 54:14 86:6,8,9 88:16,25 89:9 95:17 103:21, 22 106:10 186:1 187:9 221:10 251:1 270:21 272:5 293:17,24 322:25 326:14 369:10 <b>depressed</b> 298:25 <b>depression</b> 17:6 303:13 358:11 359:12	<b>describe</b> 18:23 39:6 42:21 152:23 153:24 156:15 165:14,23 166:16 188:10 240:7 <b>description</b> 76:25 <b>deserving</b> 342:19 <b>desire</b> 366:25 367:4 <b>desperate</b> 57:11 77:8 115:21,22 134:11 <b>desperation</b> 231:10,16 <b>despondent</b> 241:2 <b>detached</b> 303:14 <b>detail</b> 63:23 217:8 298:19,20 <b>details</b> 16:25 145:10 298:3,5 304:13 <b>detained</b> 10:11 12:5 <b>determined</b> 62:12,14 128:3 <b>diagnosed</b>	<b>diagnosis</b> 269:1 297:21 304:17 <b>dick</b> 74:11 83:23 302:16 349:13 <b>dictate</b> 306:7 <b>difference</b> 80:3,4 81:17 128:18 136:14 170:16,17 171:19,21 223:6 336:20 337:13 <b>differently</b> 17:9 81:12 335:23 <b>difficult</b> 43:16 <b>difficulty</b> 271:13 <b>digital</b> 157:7 <b>dimensions</b> 159:25 160:3 <b>dip</b> 183:10 <b>dipped</b> 166:3 <b>direct</b> 205:1 251:1 262:8,9 316:11,13,17, 18 <b>direction</b> 63:22

JASON BOYCE

July 09, 2019

<b>directly</b> 70:9,12,14,17 326:5 347:2	356:23	279:21 291:4 306:5 309:13	<b>doors</b> 156:11,12	<b>drew</b> 162:3,4
<b>director</b> 36:13 104:10, 15	<b>discussion</b> 26:25 27:1 129:10 138:8 155:24 185:15,17 208:11	<b>doctors</b> 267:16,20 268:23 283:10	<b>dope</b> 73:23	<b>drink</b> 154:20 312:4
<b>directors</b> 206:21 331:17	<b>discussions</b> 85:25 105:12 280:10	<b>document</b> 68:15 138:3 286:14 335:18	<b>double</b> 84:22 85:1 344:6	<b>drinker</b> 312:6
<b>disagree</b> 76:25 182:15 260:23 271:6 275:19,20 276:1,3 287:3, 5 294:7 340:21	<b>disguise</b> 364:20,21	<b>documentation</b> 325:23 335:25	<b>doubt</b> 213:4 348:22	<b>drinking</b> 18:16 20:25 312:11
<b>disappointed</b> 108:15,24 116:5,14,16	<b>disgusting</b> 77:4 331:22	<b>documents</b> 16:5 51:25 70:25 222:1 231:9 241:15 347:6 348:9 361:5	<b>Doug</b> 71:18,25 216:23 218:3	<b>drinks</b> 281:25
<b>dispute</b> 278:19,22,24	<b>disputes</b> 52:15	<b>dollars</b> 96:3 342:14, 19 359:1	<b>downloaded</b> 327:6	<b>drive</b> 342:8,9
<b>disclose</b> 147:4 279:19 352:13	<b>disputing</b> 306:24	<b>Dollmayer</b> 265:12	<b>Dozens</b> 75:17	<b>driving</b> 265:9
<b>disclosed</b> 306:22	<b>disrespected</b> 184:24	<b>Dolly</b> 43:1	<b>drank</b> 283:23	<b>drug</b> 308:7 309:6,9
<b>disclosures</b> 265:21,23	<b>distanced</b> 344:24,25	<b>Donald</b> 317:24	<b>draw</b> 54:23 160:20 175:25 177:16 196:18 343:14 368:7	<b>drugs</b> 20:3,11 308:8, 20 309:25 310:10 311:2
<b>discount</b> 61:6	<b>distinction</b> 315:1	<b>door</b> 71:23 149:11 151:4 154:1,3, 4 155:10,17, 21 156:8,9,15, 16,18,24 198:9,11,14 204:12,15,18, 19 333:24	<b>drawing</b> 175:20,24 207:3	<b>drunk</b> 11:20 12:4
<b>Discovery</b> 52:15	<b>distracting</b> 23:18 68:23 221:13,17	<b>Door's</b> 160:23	<b>dreaded</b> 249:8	<b>DT</b> 59:1 105:18, 19 108:5,6 111:5 118:5
<b>discuss</b> 22:25 23:9 284:24 288:22	<b>Dive</b> 320:22 323:20 324:8	<b>doorman</b> 152:12,13	<b>dream</b> 133:1,3,7,12 134:14 136:3 299:12 339:20	<b>due</b> 294:16,20
<b>discussed</b> 22:22 23:3 75:9 156:7 207:10 275:23 276:5 277:9 288:17 298:5 304:13 307:22	<b>division</b> 33:21		<b>dreaming</b> 133:5,15,21 134:10,11	<b>dues</b> 96:4
	<b>doctor</b> 266:22,25 267:8,11,22, 24,25 269:2		<b>dressed</b> 178:17 197:9, 10 202:17,20	<hr/> <b>E</b> <hr/>
				<b>e-mail</b> 26:18,20,21, 22,23,25 27:1, 18,21 41:21



JASON BOYCE

July 09, 2019

44:14,23 56:19 59:10 61:20 62:20 63:6,9 68:3,5 82:24 94:20 107:23 145:25 192:14 210:16 211:9,11 212:23,24 218:13 219:3 220:8 234:23 236:11 238:13 302:15 312:25 313:5 326:5,8, 9 336:1 347:13 348:17 349:16 350:14 351:19 352:11 354:17 369:5	<b>earth</b> 127:18 215:18 <b>Easier</b> 238:17 <b>echo</b> 277:6 <b>echocardiogra m</b> 276:20 277:3 <b>Ecstasy</b> 310:12 311:4, 15 <b>ecstatic</b> 136:8 <b>editorial</b> 47:12,14 <b>education</b> 19:18 <b>Edward</b> 261:6,7,18 <b>effect</b> 208:8 <b>efforts</b> 46:2 50:20 327:2 <b>ejaculated</b> 96:22 <b>ejaculating</b> 96:13 97:20 <b>elaborating</b> 112:12 <b>Electric</b> 125:22,24 <b>elevator</b> 151:8,24 152:1,3,6 153:25 154:2	162:24,25 <b>Elite</b> 35:5,6 <b>else's</b> 347:24 <b>embarrassed</b> 216:12,15,20 <b>embellish</b> 188:17 <b>emotional</b> 17:7,11 209:25 241:17 297:4 <b>encouraged</b> 262:23 308:4 <b>encouraging</b> 213:21 214:14 352:23 353:3 <b>end</b> 38:14 44:12 66:12 68:17 93:16 96:8 185:14,16 229:21 244:14 327:17 328:17,25 357:7 <b>ended</b> 125:21 <b>energy</b> 192:21,22,25 193:14,21,22 194:12,17 196:13 <b>engage</b> 149:23 <b>engaged</b> 83:6 230:1,3	<b>engine</b> 291:15 <b>engineer</b> 238:9 <b>English</b> 71:18 216:23 218:3 <b>English's</b> 71:25 <b>enjoyed</b> 68:18 <b>enlisting</b> 258:17 <b>entire</b> 367:20 <b>entirety</b> 257:19 <b>entitles</b> 359:25 <b>episode</b> 283:11 <b>Equinox</b> 110:5,7,8 124:20 248:9 <b>ER</b> 280:19 281:24 <b>erect</b> 71:11 72:3,8 74:4 84:15 90:9,11,12,13 331:23 <b>erection</b> 240:13,18 <b>essential</b> 166:24 <b>essentially</b> 12:16 40:1	<b>establish</b> 255:2 <b>established</b> 51:9 115:24 203:21 253:8 <b>estimate</b> 36:23 162:23 198:20 311:23 <b>estimating</b> 198:22 <b>estimation</b> 40:17 135:17 344:25 <b>Estridge</b> 92:4 <b>et al</b> 7:9 369:11 <b>Etra</b> 7:19 26:14 42:14 44:15 45:1 52:18 88:11 95:19, 21 114:3 160:16 161:18 179:23 185:18,22 186:1,6,10,16 187:1 201:25 218:17 220:13 221:8,14 222:15,17 228:19 238:11 250:9 251:4 256:16 275:8 283:17 287:13 296:3,10,15 329:13 335:5, 8 341:10 354:19,24 355:1,5,11,17, 21,23 356:4,9
---	---	--	---	---



JASON BOYCE

July 09, 2019

360:6	365:3	146:9,11	301:20 358:19	<b>F</b>
<b>Europe</b>	<b>examined</b>	160:14,22	<b>experiences</b>	<b>fabricated</b>
48:14 50:5	8:14	167:14 176:23	259:16 260:19	346:15
330:15	<b>examples</b>	177:1,16	<b>experiencing</b>	<b>face</b>
<b>Evangelical</b>	361:14	200:24 201:15	357:15 359:24	23:13 42:10
14:9 18:15	<b>exchange</b>	210:20,23	<b>experimenting</b>	44:10 46:18
<b>eventually</b>	213:15,22	213:24 217:3	20:3	47:7,10,12,14,
150:1 189:19	215:25	218:18 222:14	<b>expert</b>	20 106:16,18,
203:25 247:14	<b>exchanging</b>	235:19 238:3,	167:2,3	19,23 108:2
<b>everyone's</b>	23:22	13,20,23	<b>experts</b>	192:24 194:10
355:13	<b>excited</b>	243:1 251:1,5	336:12	214:22 241:25
<b>evidence</b>	22:5 107:14	275:9 282:22,	<b>explain</b>	338:15,16
190:13 216:6	131:22,24	25 283:15,19,	31:20 56:11	<b>face-to-face</b>
335:18 336:16	133:10,24	24 284:14	104:19	132:25
<b>ex-husband</b>	162:15 164:11	287:7,12	314:17,18	<b>Facebook</b>
288:4	<b>excuse</b>	295:24 296:5,	320:12	316:16,19
<b>exact</b>	357:7 367:9	7 317:3,5	<b>explained</b>	317:21
9:25 10:15	<b>exercises</b>	319:21,25	307:17	<b>faced</b>
34:20 35:1,6,	201:3 363:4,	322:1 324:18,	<b>explicitly</b>	128:16
12 38:3 51:24	22 364:8,12,	24 347:14,15	70:11	<b>Facetime</b>
86:13 90:23	23 367:22	353:18 355:9,	<b>express</b>	225:19 226:10
91:21 125:20	<b>exhibit</b>	10,16 356:3,7	367:4	245:10,12
145:19,21,23	26:13,14,15,	<b>exhibits</b>	<b>expressed</b>	252:11
151:19	16 41:1,2,17,	113:25 180:1	147:17 366:25	253:10,13,14,
159:17,25	19 42:16,18	238:5 322:25	<b>expression</b>	20 254:19
160:2 183:4	43:4,6 44:15,	<b>exist</b>	122:16	257:6 357:9
193:17 198:20	20 56:21,24	128:17	<b>extension</b>	<b>Facetimed</b>
206:2 213:10,	63:10,13	<b>existence</b>	99:6	225:22 226:25
11,15,19	67:25 68:2	13:8	<b>extra</b>	244:22 245:6
226:11,12	71:1,2 79:10,	<b>exists</b>	345:23 346:16	252:13,17
244:25 262:6	12 80:15,16	215:23	<b>extroverted</b>	254:2 255:11,
267:4 302:11	82:1,3 88:11,	<b>expect</b>	75:1	14,22 256:2,5
310:18	13 94:21,22	119:19 120:4	<b>eyes</b>	257:10 357:8
311:18,21,25	98:7,13,15,17	349:18	112:7,11	<b>Facetimes</b>
325:17 326:7	107:17,19	<b>expecting</b>	197:23,24	253:18 254:7
328:14 342:1	112:1,3	154:17	200:18 239:10	256:23
<b>exact-</b>	114:11,14	<b>experience</b>		<b>Facetiming</b>
117:25	115:1 123:23,	39:4 263:9		253:8,11,12
<b>EXAMINATION</b>	25 131:9,11	333:17		
8:17 361:12	141:5 145:24	<b>experienced</b>		

JASON BOYCE

July 09, 2019

254:14,15 255:10 256:20 <b>Facing</b> 284:9 <b>fact</b> 28:12 39:20 44:9 54:16 55:4,6 57:18 59:18 67:9 86:15 101:12 105:17 123:17 162:4 178:17 219:9 244:17 246:13 270:21,24 293:11 298:20 304:13 331:8 334:25 337:11 350:23 351:3 358:25 <b>factory</b> 325:14 <b>facts</b> 35:16 346:6 <b>failure</b> 307:3 <b>failures</b> 328:20 336:18 <b>fair</b> 21:20 33:12 35:13 38:20 51:7 67:9 95:23 109:6 115:20 132:24 135:19 204:5 259:18 298:7, 11 <b>Faithful</b> 83:8	<b>fall</b> 189:20 <b>false</b> 356:15,17 <b>fame</b> 259:21 <b>familiar</b> 112:18 119:24 123:15,17 124:7 158:21, 25 167:1,4,5 <b>family</b> 12:10 14:17 212:10 270:17 274:4 308:2 342:11 <b>fantasy</b> 335:21 <b>fantasying</b> 134:10 <b>fare</b> 91:3 <b>father</b> 12:13 28:1 37:25 38:1 274:5,10 275:14 <b>father's</b> 341:19 <b>favor</b> 129:25 196:18 318:15 321:7 362:19 <b>fears</b> 276:21 <b>February</b> 226:19 234:22 235:17 236:1 238:14 268:2,	20 <b>fee</b> 60:12 <b>feed</b> 206:20 <b>feedback</b> 47:16 <b>feel</b> 21:9 189:14, 18 193:14 194:12,16 211:17,23 259:19 317:24 347:8 361:24 <b>feeling</b> 68:20 283:11 284:12 303:11,12 340:17,19,22, 24 341:1,6,8 349:14 <b>feelings</b> 73:23 347:9 358:21 <b>feet</b> 188:18 <b>fell</b> 279:25 346:2 <b>Fellowship</b> 13:20 <b>felt</b> 69:3 74:17,19 76:12 85:13 87:3 188:8 192:21,22 199:12 258:24 294:5 296:25 298:24 302:3 350:8 351:20,	24 352:1 366:20 <b>fiance's</b> 288:4 <b>fiction</b> 350:24 351:3 <b>field</b> 57:19 <b>fields</b> 293:12 <b>Fifty</b> 296:3 <b>Fifty-four</b> 324:19 <b>Fifty-two</b> 317:4 <b>fighters</b> 235:13 <b>figure</b> 10:21 59:4 113:25 137:7 163:21 175:25 184:2 <b>figured</b> 83:24 <b>file</b> 280:25 <b>filed</b> 35:14,19 265:22 290:12 315:25 <b>filing</b> 326:17 <b>filings</b> 52:9 <b>fill</b> 104:22 309:19	<b>film</b> 157:9,10 169:23 <b>filming</b> 118:2 <b>finally</b> 90:17 129:22 134:13 143:7 162:14 188:3 194:11,20 244:14 259:19 332:17 340:15 <b>find</b> 90:16 93:16 98:6 145:13 217:16 286:13 291:15 318:13 326:10 362:13 <b>fine</b> 52:18 73:14, 16,17,19 88:21 137:3 172:25 354:17 355:5,6 <b>fingers</b> 197:24 198:2 <b>finish</b> 10:20 31:16 44:3 118:1 135:5 140:10 144:10,13 149:15 164:15,16 234:1 305:5 310:5 354:8 <b>finished</b> 144:16 149:20,21,22 253:3 <b>finishing</b>
--	---	---	---	---

JASON BOYCE

July 09, 2019

15:17	<b>fluctuates</b>	364:2	<b>free</b>	<b>frustrating</b>
<b>finite</b>	28:18	<b>Forgive</b>	346:13	49:2 116:2
337:10	<b>fly</b>	52:21	<b>frequently</b>	<b>fuck</b>
<b>firing</b>	329:17	<b>forgot</b>	316:1	67:20
172:23	<b>focus</b>	106:9 111:23	<b>Friday</b>	<b>full-time</b>
<b>firm</b>	142:18,21	202:12 330:16	242:3	12:16
8:4,6 15:21	294:6	<b>form</b>	<b>friend</b>	<b>fully</b>
285:14,17,18	<b>focused</b>	21:14 25:24	16:2 20:22	71:10 72:2
286:9 287:22	171:1	40:14 43:18	345:18	74:4 197:21
288:13,25	<b>folder</b>	49:18 73:11	<b>friendly</b>	347:21
289:5,15	355:13	89:18 112:9	63:25	<b>fun</b>
290:17	<b>follow-up</b>	118:17 127:25	<b>friends</b>	106:21
<b>fisherman</b>	105:21 164:17	136:17 292:9	29:22 59:22	<b>funky</b>
180:22	282:4 283:21	309:18	60:1 64:20	217:17
<b>Fitness</b>	288:16	362:15,20	65:7 136:9,12	<b>funny</b>
219:20,22	<b>fondling</b>	<b>formal</b>	222:9 259:3,4	39:11
255:12	207:22	118:20	266:4	<b>furniture</b>
<b>five-minute</b>	<b>foot</b>	<b>formally</b>	<b>front</b>	160:10
185:15	188:13 333:24	11:22,23	24:17 59:12	<b>future</b>
<b>fix</b>	<b>football</b>	<b>fortune</b>	63:21 67:10,	147:15
133:6	19:8,10	259:21	21 94:17	
<b>fixed</b>	<b>footing</b>	<b>Forty-five</b>	100:7,18,24	<b>G</b>
222:21	248:12	163:1	101:22	
<b>flannel</b>	<b>force</b>	<b>Forty-one</b>	102:19,24	<b>game</b>
72:9	196:3 203:4,	218:17	105:10,13,14	24:15
<b>Fleming's</b>	12,17 204:5	<b>Forty-seven</b>	106:1 109:18	<b>games</b>
301:6	<b>forceful</b>	284:23	127:11,17	19:6 21:6
<b>flew</b>	195:23 196:2	<b>Forty-two</b>	134:12 154:2	<b>gave</b>
185:13 229:12	<b>forcing</b>	222:16	155:1,9	220:19 251:4,
<b>flight</b>	203:19	<b>forward</b>	247:24 276:24	22 254:1
227:11	<b>forehead</b>	16:9	324:2 329:3,	270:17 298:3
228:15,21	166:4,16,20	<b>found</b>	19 332:18	300:3 320:16
229:4,15	167:18 170:18	142:5 318:16	<b>frontal</b>	321:6 323:20
283:23	171:10,13,17	<b>frame</b>	111:21	349:23
<b>fluctuate</b>	173:7,16	225:21 252:6	<b>froze</b>	<b>gay</b>
348:24	181:16 182:21	262:6	192:15 193:2	84:11
<b>fluctuated</b>	183:5,8,9	<b>France</b>	363:12	<b>Geerman</b>
54:5	207:17 363:25	51:2	<b>frustrated</b>	265:18
			115:25 116:4,	
			14,15	

JASON BOYCE

July 09, 2019

<b>general</b> 79:1 267:15	<b>giving</b> 313:1,5,8,11	21 29:15,17 39:4,8,10,12, 22 84:20,24 108:23 109:8 148:20,22 149:3,4 162:19 188:23,24,25 206:15 212:17 235:20 240:6, 11 244:5 269:1 290:2 301:8,17 314:10 317:19 318:15,25 321:4 339:9 344:21 346:7 347:25 348:5, 9,12 356:12 361:25	<b>grades</b> 18:17 21:2	<b>grew</b> 10:5
<b>genital</b> 190:6	<b>glad</b> 146:8		<b>graduate</b> 12:8	<b>Gronningsater</b> 7:25
<b>genitalia</b> 180:15	<b>glanced</b> 265:25		<b>graduating</b> 19:2	<b>groping</b> 207:22
<b>genitals</b> 72:13,18 190:18 191:11,15,17, 21 194:21,25 195:16,25 199:7,17,23 201:6 207:25	<b>go-see</b> 36:11,12 90:17 93:13 95:12 99:19 105:20 106:12 107:7,15 108:10,21 110:25 111:6 116:20 117:23,24 118:7 119:18, 20 121:1 129:22 137:8, 10,11,14,22 138:1 140:5,6, 7	<b>goods</b> 66:15,16,17	<b>graduation</b> 12:10	<b>grounds</b> 248:3 261:15
<b>get along</b> 18:2,5			<b>grand</b> 274:5 275:14	<b>grow</b> 10:4
<b>gig</b> 345:16			<b>grandeur</b> 336:3 339:16	<b>guaranteed</b> 333:5
<b>gigs</b> 47:3			<b>grandma</b> 12:16	<b>guess</b> 11:10 18:15, 25 29:18 39:8 42:23 44:22 65:13 124:3 129:9 153:3 157:6 161:3 166:9,11,12 177:7 198:1 206:15,25 237:15 243:22 250:13 253:22 267:17 281:2 321:23 355:24 358:11 361:25
<b>Giotto</b> 8:23 9:14	<b>Go-sees</b> 118:19	<b>gorg</b> 215:1	<b>grandmother</b> 274:10	
<b>girlfriend</b> 11:2 83:5	<b>go-to</b> 15:25	<b>Gosh</b> 19:3	<b>graph</b> 54:23 294:10	
<b>give</b> 37:14 42:13 48:6 54:2 65:22 84:8 114:11 141:7 160:18 185:7 201:8 202:1 210:20 233:25 245:4 261:11 269:1 300:24 301:19 310:19 328:15 331:8 334:16 355:4 358:6 359:20, 21 360:4	<b>goalposts</b> 97:13	<b>gotta</b> 31:16 44:3 130:1,2 135:5 303:3	<b>gray</b> 214:2,11	
	<b>goals</b> 308:3	<b>GQ</b> 34:10 37:16	<b>great</b> 32:11,12 77:17 122:10 126:13 129:8, 20 144:21,24 189:7 199:19 213:18 216:17 234:23 244:8, 9,12 315:15 344:21	
	<b>God</b> 119:12 238:5 346:1	<b>grabbed</b> 192:25 194:11 204:13,14	<b>greater</b> 32:25 233:21 339:4	
	<b>Godfre</b> 264:7,21	<b>grabbing</b> 198:13	<b>greatest</b> 352:24	<b>guessing</b> 54:11,12 125:6 151:21
	<b>Godfre's</b> 264:24	<b>grade</b> 21:5	<b>greeted</b> 152:16	<b>guilt</b> 85:3,5,7,9,12, 15 351:20
	<b>good</b> 18:17 21:2,5,			<b>guilty</b> 85:13
				<b>guy</b> 11:14 59:5 108:1 117:17 123:13 136:4

JASON BOYCE

July 09, 2019

213:18 214:13 363:15 <b>guys</b> 23:19 57:23 123:20 212:11 <b>gym</b> 38:6,7,15 65:12 175:5 235:6 252:15 255:11 256:3, 6,21 257:10 299:6,14,22 300:13 301:11,15,16	10,12,16 195:14,16,18, 21,24,25 196:14 199:5, 6,23 203:2,3 363:14,15 <b>handed</b> 323:1 324:18 <b>handle</b> 198:13 204:11,14,16 <b>handles</b> 131:6,14 141:8 143:22 174:21,24 179:8 <b>hands</b> 159:15,19,21 188:3,5,6,7,9 198:24 201:15,16,21 297:23 331:18 364:21 <b>handwriting</b> 161:2 <b>hang</b> 81:18,21 143:13 217:20 222:15 355:21 <b>hanging</b> 83:22 134:4 191:4 259:4 302:15 <b>Hannah</b> 9:20 15:14 53:7 219:13 357:22,23 <b>Hannah's</b> 270:21	<b>Hanukkah</b> 212:12 <b>happen</b> 103:1,23 104:5 122:11 127:21,24 128:8 150:1 207:2,4 210:7 237:17,24 332:11 <b>happened</b> 11:1 16:20 103:24 118:6, 15 128:7 131:25 172:17 175:9 183:1 187:24 193:4, 9 194:7 195:12 196:9 217:7,12 230:25 232:19 237:19 245:10 252:2,5 257:2 262:15 263:8 286:9 289:8 320:10 331:11 336:14 345:20 368:25 <b>happily</b> 339:11 <b>happy</b> 21:10 64:1 82:23 105:19 111:5 137:2,4 150:7 162:17 212:12 214:22 239:9 242:3 246:24 315:10 <b>happy-go-lucky</b> 211:9	<b>harassment</b> 316:24 <b>harbor</b> 12:15,18 <b>hard</b> 19:4 30:13 41:14,25 42:9, 25 45:20 49:9 50:2 64:24 74:5,11 181:14 219:6, 24 <b>hate</b> 178:10 318:4, 7 <b>haze</b> 218:9 <b>he'll</b> 11:15 <b>head</b> 28:21 29:1,19 41:8 63:3,11, 12,17 64:2 78:18,22 83:19 87:5 90:6 92:14 203:22 209:21 211:18 227:24 236:11 240:8 246:4 249:11 260:7 267:10 272:17 <b>health</b> 17:11 285:3,7 <b>hear</b> 8:25 70:13 121:24 122:16 144:23 158:12,13,14 204:21 221:4,	7,11 240:6 249:19 290:19 296:20 363:5 <b>heard</b> 64:7 72:20 217:1 237:8, 21 266:7,9,13 287:25 332:4 368:18 <b>hearing</b> 215:7 352:4, 15 358:19 <b>hears</b> 221:5 <b>heart</b> 272:25 273:1, 3,5,9,17,18,22 274:2,8,17 276:19 277:5, 6 278:5,7,11, 25 279:5,10 280:14 283:12 295:2 347:20 <b>heartfelt</b> 347:13 350:14 351:19 <b>heaven</b> 127:18 <b>heavens</b> 102:25 126:11 <b>heavy</b> 158:16 159:7, 10 235:8,12 <b>heed</b> 17:24 <b>heeded</b> 339:19 <b>height</b> 104:23 188:17
<b>H</b>				
<b>haha</b> 67:20 <b>hair</b> 79:3,7 178:11 179:20 242:5 <b>half</b> 37:5 65:17 239:13 240:8 242:5 244:4 271:2 308:17 311:7 369:6 <b>halfway</b> 174:12 181:11 <b>halter</b> 280:3 <b>hammered</b> 181:12 <b>Hampton</b> 7:10 <b>hand</b> 192:20,21,22 193:13,18,21 194:2,3,4,5,8,				



JASON BOYCE

July 09, 2019

<b>held</b> 7:10 332:7 349:3	270:17 274:4 308:2	<b>Hoover</b> 91:25 92:3 264:8 315:3, 14,16 316:4, 16 317:7 318:14 319:8, 23 323:21,22, 23,24 324:4,5	27:8 65:17 163:1,7 199:12	25:18 29:19 33:10,12 70:15 76:19 78:18,22 102:3,4,7,9 109:17 111:2 134:5 165:17 169:15 226:7 239:19 264:6
<b>hell</b> 67:19 211:5,7 212:21 216:16	<b>hittin'</b> 219:5		<b>hours</b> 11:21 28:17, 18,19 36:10 209:10,11,14 312:11 313:14 359:6,17 368:4,5,22	
<b>helped</b> 53:9,12	<b>hitting</b> 219:23	<b>Hoover's</b> 264:12	<b>house</b> 21:11 91:20	<b>identified</b> 178:4 219:10, 12
<b>helping</b> 340:18,25	<b>Hmm</b> 121:7 290:19	<b>hope</b> 104:3 109:21 239:3,9,14 240:11 247:14 331:4	<b>household</b> 18:11	<b>identify</b> 178:6
<b>hesitate</b> 217:25	<b>hold</b> 20:6 31:15 72:11 132:15 135:2,5 146:7 163:16 164:13 165:7 175:22 176:22 177:13,23,24 180:20 188:12 246:9 255:5, 13	<b>hoped</b> 24:13 307:21	<b>huge</b> 169:3 245:18 349:10 362:11	<b>illnesses</b> 291:23
<b>hey</b> 59:1,15 105:18,19,21, 25 111:5 113:8 118:5 286:7	<b>holding</b> 90:11 98:25	<b>hopeful</b> 104:7 109:4,5, 7	<b>hugging</b> 39:23	<b>illusions</b> 336:2 339:16
<b>hide</b> 73:23	<b>Hollywood</b> 333:19	<b>hoping</b> 102:19,24 103:23,25 104:4 122:3,4 133:13 147:18,20,23 148:1 234:3 247:16 336:10	<b>Huh-uh</b> 66:16	<b>image</b> 149:10,12 151:2,4,7 155:11 303:25
<b>high</b> 12:8,9 19:1 20:4,8 21:7 183:14 234:14 249:15	<b>home</b> 181:12 205:16 209:5,9 227:11 228:15,21 229:4,12,13	<b>horse</b> 292:10 328:23	<b>hundred</b> 96:3	<b>imagine</b> 116:4
<b>higher</b> 44:19	<b>honest</b> 97:1 133:19 224:15 314:16,19,20, 21,23 349:15	<b>Hot</b> 47:15	<b>hundreds</b> 36:23,25 37:1 102:21	<b>Impeccable</b> 220:18
<b>highly</b> 109:6	<b>honestly</b> 305:10 349:18 355:11	<b>hotel</b> 117:1,5 119:3, 10	<b>hung</b> 81:14 252:16	<b>important</b> 268:23
<b>HIPAA</b> 268:10	<b>Hooper</b> 259:24 260:9	<b>hotter</b> 23:24 24:3,4,5 25:13	<b>hunky-dory</b> 341:8	<b>impression</b> 255:2
<b>hire</b> 237:9 280:24		<b>hour</b>	<b>I</b>	<b>improved</b> 280:9
<b>hired</b> 36:19 37:2 66:25			<b>ice</b> 10:25	<b>in-person</b> 105:12
<b>history</b> 66:6 237:21			<b>iconic</b> 101:13	<b>inappropriate</b> 289:13
			<b>idea</b>	<b>Inc.'s</b> 250:25

JASON BOYCE

July 09, 2019

<b>incident</b> 149:4 150:22 289:9,18 295:18 296:25 298:9,10 299:3 301:24, 25 302:20 303:21 352:22 363:11	<b>infidelities</b> 86:17 344:4, 12 <b>infidelity</b> 83:9,11 343:13 <b>info</b> 287:19 <b>informal</b> 118:20 <b>informality</b> 52:22 <b>information</b> 52:5 61:16 286:8 288:16, 17,24 325:15 <b>initials</b> 163:22 <b>initiate</b> 245:8 <b>initiated</b> 113:7 140:3 216:1 244:15, 16,19 356:25 357:3 <b>initiating</b> 113:11 231:9 <b>insecure</b> 48:4,7 58:9, 10,11 <b>Insecurity</b> 19:19 <b>inside</b> 156:23 <b>instance</b> 73:12,14 128:8 254:4	<b>instances</b> 12:5 72:7 254:9 256:19 259:15 300:8, 20 <b>institution</b> 285:3 <b>instruct</b> 26:7 52:18 61:15 184:12 260:20,24 261:15 353:21 <b>instructed</b> 70:3 223:25 224:7 225:6 361:1 <b>instructing</b> 52:15,16 73:4 184:9 354:3 <b>instructions</b> 354:6 361:1 <b>insurance</b> 267:1,2,6,25 <b>intake</b> 297:16,20 <b>intense</b> 301:21 <b>intentional</b> 150:13 <b>interested</b> 50:25 51:3 113:4 118:14 126:3 <b>internship</b> 15:18 <b>interpretation</b> 273:8,21 274:16 306:9	<b>interpreted</b> 25:14 <b>interrogatories</b> 250:13,25 255:25 <b>interrogatory</b> 253:1,17 257:18 <b>interrupt</b> 44:18 95:17 101:2 184:6 366:6 <b>interrupted</b> 168:24 368:19 <b>interrupting</b> 149:19 150:12,15 182:17 <b>interview</b> 147:10 148:10,11,14 <b>intimate</b> 217:8 <b>introverted</b> 75:1 <b>invitation</b> 139:1 <b>involved</b> 265:11 <b>iphone</b> 208:11,12 325:2,4,5,9,10 <b>Irvine</b> 8:23 <b>Ish</b> 124:8 <b>isolate</b> 256:7	<b>issue</b> 42:12 203:12 <b>issues</b> 18:11 67:4 75:6 270:19, 25 272:25 274:8,10,12 275:4,15 276:14 278:13 296:16,18 344:22 361:5 <b>iterations</b> 113:8 <hr/> <b>J</b> <hr/> <b>Jacob</b> 264:1 <b>James</b> 29:24,25 <b>January</b> 226:19 <b>jar</b> 171:5 <b>Jason</b> 7:8 8:5,7,13, 21 43:7,10,19, 23,24 44:7 45:13,16 49:2 60:20 63:4,6, 22 65:3,10,11, 13,21,24 66:1, 3,4,5,19 75:13,25 76:8 77:10,21 78:24 79:22 80:5,9,20 81:11,12,14, 19 82:6,23,25 84:8,11 87:4 89:21 90:8,16
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JASON BOYCE

July 09, 2019

91:6,23 92:13, 15 93:12,19 94:10,19 95:2, 13 98:2 99:19 100:13,16 103:22 105:17 112:18,19 113:9 116:18 120:25 124:4, 12 128:24 129:21,24 131:18 132:22 138:19 139:1, 14,17 141:18 142:8 143:3 145:8,14,15, 25 146:1 205:20 208:7 210:16 212:11 214:25 215:1 216:3,9,13 218:9,10,11 219:3,5,6 220:4,16 222:23,25 223:13 224:18 225:6 231:8 234:16,23 235:10 236:1, 25 237:6,17, 21 239:3,22 240:2 242:11 245:18,25 248:20 253:9 255:17 257:16 259:18 263:19 275:25 276:14 294:1 302:8 303:25 306:21 329:7 333:7 339:8 345:9, 18 346:9 347:13 351:21 362:19	365:18,21 366:4,7,14,17 367:14 369:10  <b>Jason's</b> 123:19  <b>Jayne</b> 7:17  <b>JB</b> 177:11 181:9  <b>JD</b> 59:23,24,25  <b>jeans</b> 179:13  <b>jewelry</b> 132:2,9,18,19, 21 137:11 138:1 139:8, 21 140:12 142:1,17 143:25 361:18 362:25 365:5 367:10,11  <b>jive</b> 305:22  <b>job</b> 32:4,8,18,24, 25 33:6 36:17, 19 37:13,15 48:2,6,10 49:25 58:22 74:23 88:6 93:8 97:23 98:4 113:17 116:24 148:8 234:19 235:20 246:25 247:7 249:2,4,13 264:15 269:4 270:5 300:7,8 301:2 305:25	306:3,23 307:7,8,12,14, 15,19 359:5  <b>jobs</b> 33:1 37:2,5,7, 10,11,18,23 47:1 49:24 50:2 66:2 234:15 249:16 307:5 315:8 331:23 336:19  <b>Joe</b> 128:20 129:3, 10  <b>join</b> 258:18  <b>joke</b> 72:16  <b>joking</b> 39:12 72:15  <b>Jonathan</b> 7:19 185:25  <b>Josh</b> 262:25  <b>judge</b> 61:19 185:13  <b>July</b> 7:2,7 8:21 10:15,17 83:3, 22  <b>June</b> 80:21  <b>jury</b> 350:13  <b>justified</b> 97:13 342:19  <b>justify</b> 82:12,13	<b>K</b>  <b>Kaiser</b> 268:14 285:2 286:16,22  <b>Kanner</b> 43:8,10,19,23, 24 44:8 45:13, 16 60:20 63:4, 7,22 65:10,11, 25 66:19 75:13 76:8 78:24 79:22 80:5,9,21 81:11,12,14, 19 82:6,23,25 84:8,11 87:4 89:22 90:8,17 91:4,24 92:13, 15 93:12,19 94:10,19 95:11 98:2 99:19 116:18 120:25 124:12 128:24 129:21 130:14 131:18 132:22 138:19 139:1 141:18 142:8 145:8, 14,15,25 146:13 205:20 208:7 216:3,9, 13 218:9,11 219:3,5 220:4 222:23,25 223:13,25 224:7 225:6 234:23 236:1, 25 237:6,18 238:14 242:11 245:18,25 246:20 248:20	251:10,13,15, 17,22 302:8 303:25 329:7 339:8 347:13 351:21 362:19 365:21 366:4, 7  <b>Kanner's</b> 77:10 210:16 345:9  <b>Kates</b> 266:16  <b>Kathy</b> 8:9  <b>keeping</b> 59:5 329:18  <b>kickboxing</b> 235:7,15 349:4  <b>kicked</b> 21:11 28:8  <b>kid</b> 64:2 128:14  <b>kidding</b> 186:10 292:11 310:6  <b>kids</b> 19:1  <b>kill</b> 18:6 189:2 295:25  <b>Kim</b> 266:23 267:3, 9,13,18 268:2, 15,21 269:15 270:16 271:12,15,21, 24 272:24 273:4,15,20
--	--	--	---	---

JASON BOYCE

July 09, 2019

274:3,9,12,19, 20 275:19 276:5,13,18 277:9 279:11, 15 280:8 290:5 <b>Kim's</b> 273:8 276:13 <b>kind</b> 12:4 13:17 23:1 25:12,14 28:11 58:15 64:23 65:15 80:4,11 82:20 96:25 103:22 106:21 107:3 112:12 117:23,24 132:25 133:18 155:23 158:7 161:12 165:14 168:19 172:23 181:5,7,11,14 183:16 189:18 203:24 206:7 216:6 217:17 232:1,4 259:15 264:9 267:17,21 272:8 301:4 307:15,19 342:8 <b>kinda</b> 132:10 <b>kinds</b> 158:22 167:1 <b>kiss</b> 200:7 <b>kissed</b> 198:3 200:5, 16 207:14	<b>kitchen</b> 154:18 157:1 <b>Klein</b> 62:24 110:3 124:14,16 125:1 126:20 127:12,21 <b>Klein's</b> 124:21 126:17 <b>knees</b> 279:25 <b>knew</b> 24:12 53:20, 22 81:19,20 100:8 101:1,4, 7,18 119:21 129:14,19 130:6 230:10 232:15 236:12 249:5,6,15 266:4 281:2, 11 290:13 298:9 301:4 304:15 326:25 331:14 338:2 345:4,6,8 <b>knowing</b> 249:12 <b>knowledge</b> 145:7 168:2 201:14 207:10 225:17 302:21 <b>Kohl's</b> 47:15 <b>Krueger</b> 263:21,23 <hr/> <b>L</b> <hr/> <b>LA</b>	46:3 49:15 65:19 85:22 107:13 248:11 302:2 <b>lack</b> 217:17 312:16 <b>lady</b> 34:24 83:23 302:16 <b>Lally</b> 128:20 129:3, 10 <b>Lamps</b> 162:12 <b>language</b> 55:18 134:7, 17 <b>Las</b> 272:16 311:18 <b>late</b> 20:4 262:1 <b>laughing</b> 240:19 346:2, 3 <b>law</b> 15:16,17,21 185:12 289:15,21 290:1,16 <b>lawsuit</b> 208:3 258:21 259:19 276:11 280:25 281:3, 8,10 284:7 290:7,8,12 315:25 326:18 345:11 <b>lawyer</b> 99:14 186:1	289:9 290:1 354:2 366:19 367:12 368:9, 24 369:3 <b>lawyers</b> 35:17 52:12 185:19 208:22 250:14 258:24 261:11 265:22 280:24 320:18 321:23 342:16,23 <b>laying</b> 242:6 243:22 244:3 <b>layout</b> 160:20 <b>LBDW72</b> 243:11 <b>lead</b> 147:24 189:19 332:24 362:21 <b>leading</b> 84:22 155:12 185:6 344:6 362:16 367:13 <b>leagues</b> 122:5 <b>learn</b> 100:15 169:22 <b>leave</b> 116:24 117:14,15 119:15 200:23 201:24 245:17 324:9,12 342:17 354:4 361:7 <b>leaving</b>	184:23 187:2, 3 224:21,22 229:20 355:13 <b>ledge</b> 17:20 <b>left</b> 10:7 15:18 34:24 106:4 145:8 155:7 156:8 185:19, 23 187:9,22 198:8 205:10 207:1,2 209:18 252:3 279:21,22 305:14 321:15,16 341:12 342:23 354:16,18 360:20 <b>legal</b> 7:13 8:10 281:18 284:7, 9 295:12 296:16,18 327:10 <b>legit</b> 22:24 <b>length</b> 251:14 312:24 <b>lenient</b> 248:12 <b>lens</b> 159:1,12 <b>lenses</b> 158:15,22 159:3,9 <b>letter</b> 178:3
--	---	---	---	--

JASON BOYCE

July 09, 2019

<b>level</b> 75:8 280:9 349:12	191:10 202:2 203:13 209:23 220:14 221:4, 12,16 222:3, 13,20 227:4, 13,18 228:9, 18,23 229:1 231:12 238:2, 17 243:9 256:10,14 260:18 261:14 268:9 269:25 274:18,21,23 275:1,6,11 276:23 278:15,20 281:4,13 282:20 283:2 284:14,21,23 292:9,12,22 293:13 294:18 295:6 296:4, 13 304:2 307:16 308:21,25 309:21 310:1, 7,22 316:10 321:10 322:3, 9,15,20,24 324:1 327:12 328:2,9 332:12 333:9 336:4 337:20 338:5 342:20 344:7,15 346:20 350:17 351:12 352:25 353:20 354:14,21 355:3,8,15,18, 20 185:2,16, 20,25 186:4, 23 187:8 190:2,16,23	7,19 364:11, 16,25 365:24 366:5 367:1, 16,24 368:12, 15 369:1 <b>LEVINE- GRONNINSAT ER</b> 126:25 <b>Lexus</b> 117:11,25 118:1 <b>Lido</b> 9:18 <b>lie</b> 19:20 57:8,12 215:19 220:23,24 255:16 269:2 273:23 306:1, 25 312:22 313:22 314:5 319:11,13 348:21 351:3 353:9 <b>lied</b> 19:17 83:18 215:21 308:11 <b>lies</b> 221:1 256:7 351:4 369:6 <b>life</b> 12:6,22 13:7, 20 84:22 85:1 121:21 175:2 221:10 280:15 295:12 300:8 314:25 <b>lifespan</b> 32:24	<b>lifestyle</b> 21:21 343:13 344:6 <b>light</b> 159:4 187:18, 20,22 214:2, 11 <b>likes</b> 107:4 147:14 <b>limited</b> 354:16 <b>lines</b> 54:24 <b>link</b> 218:10,20 <b>lips</b> 200:11,12,14 <b>Lisa</b> 288:5 <b>list</b> 24:13,14 76:20,21,24 77:10 106:5 260:22 261:5, 6,11 263:24 265:22,24 <b>listed</b> 35:23 261:18, 21 361:14 <b>listen</b> 117:18 331:3 364:4 <b>listening</b> 7:22 187:5 <b>listing</b> 326:1 <b>litany</b> 150:5	<b>literally</b> 134:10 199:18 246:15 279:25 290:15 333:18 <b>litigate</b> 61:19 <b>live</b> 9:20,24 13:2,3 15:6,12,14 21:16,17 230:6 <b>lived</b> 9:12,15 11:3 29:12 53:5 259:6,14 271:1 <b>lives</b> 15:13 <b>living</b> 10:16 12:12 21:16 28:12 31:8,9,14,18 32:17 52:20 53:2 55:22 86:14 271:1 290:14 331:21,24 332:2 347:22 348:15 <b>LLP</b> 7:10 <b>LMFAO</b> 346:2 <b>lobby</b> 152:15 252:15 255:11 256:3, 21 <b>locked</b> 156:13,21
--------------------------------------	--	--	--	--



JASON BOYCE

July 09, 2019

<b>lockers</b> 219:19	91:20 119:11 264:13	67:14,21 216:16	227:16,19,21 228:3 230:17 233:18 237:16 258:3 301:8,9, 11 304:17 307:9 315:1 342:7,16 343:20	317:24 323:18 326:13 327:2 331:21,24 332:1 334:7 341:22,25 342:3 347:21 348:3,15 349:18,22 357:13 358:13 361:24
<b>log</b> 251:13	<b>lose</b> 43:1,20,21,25	<b>loves</b> 235:12	<b>magazine</b> 69:9,10,11 125:22 126:6	<b>makes</b> 66:10 191:16 297:21
<b>lol</b> 82:2 83:25 90:10	<b>lot</b> 18:18 20:25 21:24 30:3,4,9 35:8 37:3 40:7 65:16 67:11 69:16 100:8 101:8 106:3 123:19 144:7, 13 158:20,21 164:12 188:14 234:14 235:20 248:11 273:9, 13,18,24 280:9 320:8 334:15 335:17 339:4 347:5,6 349:1 350:3,4 352:1 361:14	<b>low</b> 358:10,11,21 359:4,11	<b>main</b> 269:24 292:1, 15	<b>making</b> 31:14,25 32:5, 17 51:8,11 53:16 54:3 55:7 89:20 97:19 146:15 227:23,25 228:2,4 236:14,16 308:25 309:2
<b>London</b> 50:24		<b>lower</b> 209:8	<b>major</b> 34:12 106:3	<b>male</b> 100:9 101:8, 12 300:21 301:3 316:25
<b>long</b> 9:15 13:4 27:3 36:9 38:4 77:14 107:16 117:25 118:1 136:25 144:5, 8,14 158:7,16 162:23 163:3, 4,5 164:22 174:1,4 194:1 198:19 199:6, 8,17 209:9 271:18 347:13 359:15		<b>Luca</b> 26:2	<b>make</b> 12:24 17:19 30:3,4,6,11 31:8,9,18 35:17 50:2,5, 21 51:20 55:15,22 64:24 89:25 91:10,11,15 92:15 96:9,19 98:7 99:5 103:12 105:2 114:3 115:24 122:17 125:10 160:14 161:20 173:3 175:22 179:7 185:24 186:20 202:15 207:13 210:5 222:11 231:24 236:7,12,17, 19,23 237:1,5 248:15 249:16 279:11 286:19,20 307:1 311:12	<b>man</b> 42:21 84:11 88:5,19 89:8 134:12 152:6, 20 154:13 156:1 300:1, 14 337:5 347:17
<b>longer</b> 257:15	<b>lots</b> 36:21,22 93:24 209:19	<b>lunch</b> 140:15 148:25	<b>M</b>	<b>Management</b> 33:18,19,23 34:1,2,5,8,10, 12 35:5 345:3
<b>longest</b> 38:20	<b>lottery</b> 333:7,11	<b>lying</b> 74:17 222:9 241:6,8,12 321:9 344:12 351:9,17 353:11	<b>Macy's</b> 237:12 336:23	<b>Manhattan</b> 124:11 209:8
<b>looked</b> 36:1 152:23 158:3 164:3 165:23 166:6 180:21,22 181:13,14 218:12 247:22 250:19 252:23 282:11 291:15,23	<b>loud</b> 41:9 149:1 217:3	<b>mad</b> 345:14		
<b>Los</b> 7:1,11 9:19 15:13 86:14	<b>love</b> 55:22 62:17 131:6,13 133:16 141:8 143:22 174:21,24 179:8 214:7 216:16 253:10 299:12	<b>Madden</b> 264:1		
	<b>loved</b> 17:8 55:23	<b>made</b> 29:11 30:24 31:11,12 43:16 54:6,18 72:16 91:17 96:1,18 97:4 100:8 103:4 106:21 138:13 197:3 217:25		

JASON BOYCE

July 09, 2019

255:12	114:10 135:2, 7,13 175:22	<b>masses</b> 23:2	173:4	207:11 223:10
<b>manifest</b> 348:19	176:23 179:7, 8 259:2,24	<b>masturbating</b> 23:4,15 24:8, 25 25:5 91:11, 13,18 96:13, 22 97:20	<b>media</b> 39:21,24 106:20 206:20 212:3,9 316:2 345:12	225:9 226:8 228:7 254:13
<b>Mannlein</b> 8:10	260:9,13 345:17			<b>men</b> 101:13 120:2 152:19 299:8, 17,18 300:1
<b>mantra</b> 97:17	<b>marked</b> 26:16 40:25 41:2,17 42:16 43:6 44:20 56:21,24 63:13 67:25 71:2 79:12 80:16 82:3 88:13 94:22 98:15 107:19 112:1 114:14 115:1 123:25 131:9 146:11 160:22 167:9, 14 177:1 179:20 180:1 210:23 213:24 218:18 238:23 250:23 251:5 282:22,25 283:19 287:7 296:5 317:5 319:25 324:24 347:15	<b>match</b> 323:22	<b>medical</b> 268:7 276:13 282:11 284:22 292:7 293:4 295:14 306:5 351:2,5	<b>men's</b> 249:22 250:1 252:22 253:7 254:19 255:21
<b>map</b> 349:20		<b>Mathias</b> 67:14 68:18		
<b>March</b> 55:4 56:9,21 79:9 111:13 131:12 226:19 238:22,25 239:1 245:18 250:11 253:21 254:8 256:1 339:8,12,15 347:11 348:13 351:21		<b>matter</b> 7:8 55:4 61:20 101:12 103:18 105:17 136:10 200:1 219:9 229:15 244:17 293:11 298:20 331:21 369:10	<b>medications</b> 309:24	<b>mental</b> 150:25 241:17 285:3,7 348:20 357:12,13 359:24
<b>Marco</b> 90:3 285:9,13 286:3,6 287:11 288:22 289:4 330:1 333:17		<b>maybes</b> 33:3	<b>meet</b> 59:3 65:9,12 66:5 99:18 105:3,4,5 116:23,25 117:4,14 118:13 119:8, 9,13 131:19 132:25 136:4 137:8 145:17, 20 162:14 262:25 325:20,22	<b>mention</b> 119:3 295:3,8
<b>Margaret</b> 268:18 298:21 304:6,7,18 305:2,5,17,20 307:25 312:7, 10 313:19,20 339:20	<b>market</b> 56:16 57:3	<b>MDMA</b> 311:4	<b>meeting</b> 36:12 65:12, 24 69:23 133:8 135:21 137:6,10 138:1 140:12 224:18 332:23 333:6,22 362:25 366:8 367:9,11	<b>mentioned</b> 277:23
<b>Marmont</b> 125:3	<b>Marmont</b> 125:3	<b>meaning</b> 32:21 54:23 62:15 108:6 146:16 211:12 225:8 233:2,3 275:25 284:7 288:5 294:1 364:17,18		<b>mentioning</b> 279:14
<b>married</b> 15:8 52:25	<b>married</b> 15:8 52:25	<b>means</b> 84:7 232:2 270:10		<b>mentor</b> 65:13
<b>Martial</b> 175:7 235:1,2	<b>Martial</b> 175:7 235:1,2	<b>meant</b> 25:15 64:1 72:14 99:7,10 235:14 348:20		<b>Merry</b> 90:8,10 212:12
<b>mark</b> 87:9,12,15,18 88:7,15	<b>masculine</b> 181:13 182:12	<b>mechanism</b>	<b>memory</b> 168:15,16	<b>message</b> 80:20,21 224:1,8 225:7, 8 252:10 262:8 316:5, 13,17,18 319:5 321:15, 16 324:10
				<b>messed</b> 316:11
				<b>messages</b>

JASON BOYCE

July 09, 2019

26:2 48:21 238:21 244:13 262:9 287:9, 10,11 319:6 <b>met</b> 28:5 33:16 51:5 65:10,17 71:19 79:19 136:19 139:7, 21 141:25 142:16 181:11 197:18 213:13 214:3 251:10 255:7,9,13 264:12 271:11 280:15 297:12,14,21 338:22 361:18 365:19 <b>Miami</b> 220:16,20 <b>Michael</b> 8:21 <b>microphone</b> 9:1 44:19 <b>midday</b> 151:17,20,22 <b>Milan</b> 45:22 <b>million</b> 293:9 333:14, 18 335:24 342:14,19 359:1,25 <b>mind</b> 24:17 30:19 59:20 64:21 65:5 76:20,23 79:18 81:6 82:22 83:2	91:1 108:19 110:2 122:9, 12 136:7 149:10 151:1 155:11 160:4, 6 170:25 222:13 236:11 239:18 317:19 320:6,14 329:20 331:3, 4 332:21 334:5 337:16 338:21 342:18 363:12 <b>mine</b> 88:18 135:18 189:4 242:18 257:24 353:6 <b>minimum</b> 228:4 <b>minister</b> 12:22 <b>minus</b> 150:4 <b>minute</b> 155:25 175:14 199:7,8,25 201:25 202:1 255:5 287:6 304:20 354:18 360:4,7,12 366:19 <b>minutes</b> 50:1 65:17 136:22 137:1, 9 144:19 154:24 163:1, 6,15 164:23 166:19 172:1 198:17,22,23 199:2 242:22	251:18 283:11 297:14,21 298:1 341:12 347:3 <b>mischaracteriz ing</b> 322:12 <b>misconduct</b> 316:25 <b>misguided</b> 332:10 <b>misleading</b> 322:9 <b>mismarked</b> 222:18 <b>mispronounce</b> 93:2 <b>missed</b> 17:12 245:12 248:18 253:14 254:3,20 255:22 256:20 257:7,8 341:4 357:9 <b>missing</b> 238:2 <b>misstates</b> 142:11 172:7 182:4 203:13 269:25 292:22 328:2 344:7 352:25 367:1 <b>misstating</b> 367:25 <b>Mitchell</b> 46:22 336:23 <b>Mixed</b> 235:1	<b>MMA</b> 234:24,25 <b>model</b> 29:8,9,11,16, 18,20 30:4,14, 17,18 31:1,7, 10,15,19 33:18,19,23 34:1,2,5,7,10, 12 35:5 50:5, 21 51:9 53:17, 19 54:4,6 55:7,12,19 56:4 62:3,7,16 63:11 65:4,5 66:25 87:16 104:20 113:4 121:20 122:14 135:14 158:18 201:22 205:5 234:22 244:9 262:1 264:9, 10 265:13 269:7,12,18, 21,22 270:8,9 292:3,16 293:10 303:20 314:10 316:25 329:10 331:25 345:7,8 346:7 348:4 362:5, 12 <b>modeled</b> 33:24 <b>modeling</b> 22:6 30:10 37:23 38:8,11, 12,13,18 39:17 51:12, 20 52:6,7 54:10,24 57:19 64:25	65:10 90:6 96:1,9 109:15 115:24 134:21,23,24 191:19 237:6 246:4 259:3 266:4 270:11 293:21 294:14 299:11 327:16,25 328:13 330:5, 13 332:4 335:10 337:12 <b>models</b> 33:23 39:1 64:19 81:19 94:5 100:9 101:8 121:11 123:6 260:19 307:4 329:22 <b>molded</b> 63:16 <b>mom</b> 12:11,14 22:4 274:5 275:14 <b>moms</b> 235:15 <b>Monday</b> 105:19 111:5 239:9 <b>money</b> 12:24 30:4,6 31:12 50:2,5, 21 51:8,11,22 53:16 54:2 55:15 66:9,10 89:20 91:2,4,6 96:1,9 115:24 235:22 236:7, 13,14,16,17, 19,23 237:5
--	--	---	---	--

JASON BOYCE

July 09, 2019

247:13,15 248:15 249:16 301:8,9,11 311:11,12,13, 14 341:22 342:3 344:14 347:22 349:23	<b>mother</b> 13:10,18 39:14 60:6,9 <b>motioned</b> 181:5 <b>motioning</b> 159:18 <b>motivated</b> 312:15 313:22 <b>mouth</b> 11:14 197:24 198:3 200:7,9, 10 207:15 368:9 <b>move</b> 53:22 187:25 195:14,18 230:10,21 293:12 <b>moved</b> 53:10 85:21 329:25 <b>movie</b> 22:24 <b>movies</b> 22:23 23:12 28:3 264:20 <b>moving</b> 17:23 <b>Muller</b> 59:23,25 <b>Mullin</b> 7:10,20 8:1 <b>multiple</b> 101:23 103:15 <b>murmur</b> 273:1,5,17 274:8,17	276:19 277:5 278:6,7,11 279:1,5,10 280:15 295:2 <hr/> <b>N</b> <hr/> <b>N-O-U-S</b> 40:4 <b>nail</b> 127:19 <b>naked</b> 75:12,21 115:3,9 178:23 179:12 191:25 192:8, 19 239:13 240:9 242:5 244:4 <b>named</b> 220:9 260:21 <b>narrative</b> 165:7 183:21, 22,25 184:4 <b>Nathan</b> 15:5 100:13 <b>natural</b> 42:25 <b>nearby</b> 157:1 <b>neat</b> 77:18 <b>necessarily</b> 32:2,20 147:1 <b>neck</b> 188:5 192:24 239:11 <b>needed</b> 204:8 258:20,	25 281:2,7,12, 19 309:11,16 351:24 <b>network</b> 268:15 286:22 <b>Newport</b> 10:16 <b>nice</b> 68:19 83:23 108:2 214:13 242:11 <b>niche</b> 64:14,17 <b>night</b> 78:12 130:20 186:19 271:2 359:22 <b>nights</b> 271:5,8 357:19,20 358:1,8 <b>nod</b> 211:19 285:15 <b>nods</b> 41:8 63:12,17 83:19 209:21 211:18 <b>Nokia</b> 157:11 <b>non-modeling</b> 51:22 <b>nondenominati onal</b> 13:22 <b>North</b> 13:7 <b>Northern</b> 10:5	<b>Norwegian</b> 180:22 <b>Norweigan</b> 180:25 <b>Nos</b> 200:24 <b>nose</b> 48:2,4,5,7,10 337:5 338:16 <b>notes</b> 229:2 279:15 <b>notice</b> 121:15 170:15,17 <b>noticed</b> 110:18 <b>notification</b> 110:11 <b>notoriety</b> 259:20 <b>Nous</b> 30:22,23,25 33:16,18,19, 20,23 34:1,5, 9,23,25 40:4 <b>Nov-</b> 142:5 <b>November</b> 62:20 63:7 66:21 93:16 94:19 95:8 124:12 129:21 130:14 138:19 141:6,20,25 142:5,24 279:20 280:18,22 281:11 282:1, 9
---	--	---	--	--

JASON BOYCE

July 09, 2019

<b>nuance</b> 32:23	<b>numb</b> 73:21 209:19 218:9 220:3 227:12 296:25	<b>objecting</b> 149:25	360:2 362:15 364:9,13,19 365:24 367:1, 16,24 368:12 369:1	277:13
<b>nude</b> 23:15 24:22, 24 25:9 66:25 67:5,10,14 69:4,11 72:9 74:3 76:1,7,8 79:1,4,6 82:24 87:20 92:24 95:5 111:1,21 113:23 114:20 116:19,23 119:19 120:1, 5,6,7,12,13, 16,17 177:20 178:1,7,20 180:3,6,8,11 181:19,22,23 190:7,8,9,13, 14,21,24,25 191:1,5,8,14, 16,20,23,24 192:1,6,11 193:8,10,11 201:9 216:16 219:6 220:4 245:24 302:7 318:20	<b>number</b> 12:25 42:13, 14 44:22 51:24 56:10 94:12 98:13 111:23,24 123:23 130:15 142:9 152:1 160:15 218:16 251:23 257:20 261:5 275:17 282:17 283:15 317:3 322:2 342:2	<b>objection</b> 21:14 25:22, 23 26:6 40:12, 13 42:2 43:18 49:18 52:14 61:2,3 72:22, 25 73:1,5,8,11 89:18 112:9 115:7 116:7 118:17 126:25 127:25 134:15 136:5,17 138:15 139:2, 11,19 141:22 142:11 172:4, 7 180:9,13 182:4 190:2, 16,23 191:10 203:13 209:23,24 222:3 227:4, 13 228:9,18, 23 231:12 256:10 260:24 261:14 269:25 274:22 278:20 281:4,13 292:9,10,22 293:13 294:4, 18 295:6 296:4 304:2 307:16 308:21 309:21 310:22 321:10 322:3, 6,12 328:2,9 332:12 333:9 336:4 337:20 342:20 344:7, 15 346:20 350:17 351:12 352:25 353:20	<b>obliging</b> 84:14 <b>oblivion</b> 210:12 220:4 <b>occasion</b> 75:14,15 <b>occasionally</b> 20:12,16 273:13 <b>occasions</b> 75:17 94:12 103:15 <b>occur</b> 109:14 <b>occurred</b> 198:16,18 216:22 301:18,20 <b>Oceanside</b> 12:15,17 13:1, 3 15:7 <b>October</b> 16:10 260:16 285:6,9,13 286:23,24 287:3,17,25 288:9,10,12, 15,22,24 289:2 291:16 305:21 334:22 <b>offender</b> 318:10 <b>offered</b> 275:23 276:6	<b>offers</b> 277:14 279:16 <b>office</b> 65:25 69:23 75:25 101:24 210:16 223:15,19 224:18 251:12 345:9 <b>officer</b> 11:7,9 <b>officers</b> 11:6,19 <b>oftentimes</b> 175:1 <b>Ohio</b> 10:7 283:23 <b>oil</b> 165:5,9,11,25 166:2,15,20, 22 167:4,5,17 168:6,12 170:1,15,20, 22 171:1,2,10, 13 172:3,10, 18 173:6,16 183:8,9,10 207:17 <b>oils</b> 166:24 167:1 <b>Oklahoma</b> 10:5,8,9 <b>older</b> 18:8 189:10, 11 219:21 <b>omitted</b> 351:5
<b>nude-</b> 177:23	<b>numbers</b> 141:5 152:4,5 222:14			
<b>nudes</b> 24:16 68:13 69:15 70:4 79:21,23,25 88:1 120:11, 21 121:1 174:20 177:24 180:6	<b>numerous</b> 193:16			
<b>nudity</b> 22:3,5 75:3,6 265:10	<b>o</b>			
	<b>oath</b> 8:14 86:11 119:4 123:18 250:12,17 253:21 254:13 255:24 257:2, 16 293:20 314:1,8 350:12 <b>object</b> 68:14,21,25 228:19 260:18 274:18 362:20 <b>objected</b> 76:18			



JASON BOYCE

July 09, 2019

<b>on-line</b> 287:25	<b>opposite</b> 284:3,18 313:20	<b>P</b>	178:10,11 191:5 197:11 240:24 242:9	353:25 354:1
<b>one's</b> 186:21	<b>oral</b> 84:7	<b>p-e-r-v</b> 317:9	<b>paper</b> 160:19 284:20 335:25 345:24	<b>party</b> 10:17 21:1 211:13,15 212:13 213:6 223:18 224:21
<b>one-on-one</b> 300:9 301:3	<b>orally</b> 362:17	<b>p.m.</b> 140:19,22 187:12,15 202:6,9 214:3 250:4,7 303:5, 8 304:22,25 341:14,17 354:10,13 360:14,17 369:12,15	<b>paragraph</b> 223:24 224:6, 14 225:18 252:9	<b>partying</b> 18:16
<b>open</b> 102:25 126:11 127:18 198:12 200:11,12,14, 19 204:14,18 247:25 354:4	<b>Orden</b> 263:19	<b>package</b> 347:19	<b>paralegal</b> 289:9	<b>pass</b> 338:14 346:12 361:19
<b>open-ended</b> 183:24 185:1, 4	<b>order</b> 17:11 76:13 81:20 150:3 184:7 185:12 201:4,7 269:1 329:19	<b>packed</b> 77:18	<b>pardon</b> 209:23	<b>passed</b> 46:22 48:19 118:12 330:17,19
<b>opened</b> 198:9,10,14 204:19	<b>oriented</b> 58:24 63:23	<b>pages</b> 95:17	<b>parents</b> 12:12,20 18:3, 14 19:6 28:7	<b>passing</b> 361:15
<b>openly</b> 84:11	<b>originally</b> 60:22	<b>paid</b> 24:9 32:16,17 37:12,17 49:22,23,24 53:11 90:4,7 247:7 267:7 270:5 311:8, 10	<b>parents'</b> 22:2	<b>past</b> 9:13 64:11 165:9 242:21 267:12 292:2, 15 294:23 299:6,22 308:16 311:7 313:21 341:25
<b>opens</b> 153:25	<b>out-of-pocket</b> 267:7	<b>pain</b> 161:16 279:21	<b>part</b> 14:14 18:4,10 22:5 47:17 60:12 68:11 70:13 175:2 212:10 232:9 242:19 248:1 256:25 257:1 263:3,7 306:16 353:23	<b>pastor</b> 12:24 13:10, 12,18 14:6,7
<b>opinion</b> 112:21 346:11	<b>outsider's</b> 178:22	<b>panic</b> 280:18 283:12 312:8	<b>partially</b> 55:21,25	<b>pastors</b> 13:19 14:9
<b>opportunities</b> 126:13,22 127:19	<b>overcome</b> 203:4 204:4,5	<b>panicked</b> 192:15	<b>partied</b> 212:16	<b>patient</b> 273:16,23 275:24 276:7 278:13 283:6
<b>opportunity</b> 33:1 130:3,6, 7,8 133:2,4,7, 9,22,24 136:8 147:24 148:4 233:25 234:6 247:23,24 307:21 331:5	<b>overnight</b> 332:5 333:7	<b>pants</b> 158:6 175:11, 12,15 176:6 177:18	<b>parties</b> 7:14	<b>Paul</b> 46:22 336:23
<b>opposed</b> 75:1 80:6 359:4	<b>overridden</b> 196:3		<b>partner</b> 295:25	<b>Paulina</b> 29:24
	<b>overweight</b> 189:2		<b>parts</b> 54:15 350:20	
	<b>owe</b> 147:3			
	<b>owed</b> 350:8			
	<b>Owens</b> 100:14			

JASON BOYCE

July 09, 2019

<b>pause</b> 286:13	63:21 64:19 67:11,22 69:16 71:21 97:10 106:3,5 152:18 153:4, 6 154:7 155:15 156:5 158:12 175:1 186:23 204:21,23 232:9 235:16 258:20,25 260:3,5 261:6, 11 266:1 315:7 322:4 338:14 347:25 348:5,9,12 352:18 359:16 361:15 362:10	286:16 <b>permission</b> 207:18 <b>persistently</b> 134:12 <b>person</b> 16:5 92:12 109:23 129:16 135:4 152:14 297:17 <b>personality</b> 74:25 <b>personally</b> 52:10 100:11 137:24 263:25 266:11,15 367:5 <b>perspective</b> 135:20 178:22 <b>perv</b> 317:9,11 318:1,19,21 319:3 <b>pervert</b> 317:12 318:1, 5,6,8,9,11,13 <b>pest</b> 15:3 <b>Peter</b> 320:22 323:20 324:8 <b>phone</b> 16:15 119:7, 11 130:15 142:9 143:13 153:13,19 205:22 208:11,15,20, 21 245:11	251:13,14,18, 22 253:20 324:9 325:19, 21 326:1 <b>phones</b> 225:20 <b>photo</b> 69:6 89:24 97:21 111:18 125:21 180:16 251:8 255:3,6, 7,17 256:2,5 257:2,5,9,24 264:13,15 305:25 306:23 307:8,12 312:23 315:10 361:22 362:20 363:3 366:2,8 <b>Photogenics</b> 34:22,23,25 <b>photograph</b> 112:20,23 138:14 139:9 164:6 320:25 362:14,18 364:6 <b>photographed</b> 67:4 125:1 <b>photographer</b> 36:13 70:21 71:17 72:2 79:14 82:9 97:25 98:3 101:7 102:14 121:21 122:19,22,25 124:17,22 126:18 127:10,17 128:7,21	216:23 217:25 218:2 295:19 298:2,10 305:25 306:14,22 315:4,6,9 320:24 <b>photographers</b> 23:3,5 70:5 76:1,3,9 92:6 102:15 122:24 123:3,8 128:5 232:8 331:16 362:11 <b>photographing</b> 102:16 <b>photographs</b> 22:11,13 139:10 167:22 168:14 <b>photos</b> 23:23 79:1 84:14 87:4 90:7 125:13, 15,22 169:9 181:14 191:20 201:9,10,12 206:7,8 314:10 <b>phrase</b> 332:5 <b>physical</b> 72:21 198:15, 25 203:9,11, 16 336:8 337:1,4 348:19 <b>physically</b> 77:14 188:10 196:4,6,7 204:7 300:19
<b>pay</b> 20:21 31:2 33:3 53:9 96:4 146:22 158:24 247:9 270:10				
<b>paying</b> 37:13,15,18 89:24 204:24 234:14 248:14 307:14 311:6				
<b>payroll</b> 89:21				
<b>peashooter</b> 310:6				
<b>pecking</b> 76:13				
<b>pee</b> 249:18,21 303:3	<b>perceived</b> 72:13			
<b>pen</b> 251:2	<b>percent</b> 33:8 37:10,11, 20 169:12,13 272:21			
<b>penis</b> 81:3 82:5,21 83:1 84:15 90:9,11 98:25 99:1,3,6,8 134:4 191:4 192:3,4,6 216:13 331:23	<b>percentage</b> 300:24 <b>perfect</b> 101:25 343:5 349:1 351:24 <b>performance</b> 345:23 <b>period</b> 28:9 37:25 54:17 56:4 272:13 327:20 <b>periods</b> 109:16 <b>Permanente</b> 268:15 285:2			
<b>penises</b> 134:4				
<b>Penny's</b> 47:15				
<b>people</b> 14:1 19:14 20:1 28:22 29:6 58:4,6				

JASON BOYCE

July 09, 2019

363:14 <b>physician</b> 266:20 <b>pic</b> 83:24 <b>pick</b> 147:21 256:7, 13,16,17 <b>picked</b> 210:5 246:14 252:18 <b>picking</b> 123:6 294:3 <b>picnic</b> 155:23 157:15 <b>picture</b> 39:20,23 41:4 42:19 79:4,7 80:15 81:2 82:5,25 84:9 87:20 90:24 94:21 95:5 103:6 114:7, 16 141:16 145:10 147:20 150:25 158:9 160:3,6 166:18 168:8, 17 178:1,6,20, 23,25 179:5, 14,15,16,18 181:21,22,24 190:19,21,24, 25 191:1,6,8, 12,14,16 192:9 201:17 212:18 219:6, 21 239:10,13, 21 240:3,5,7, 15,18 241:20, 22 242:4,5,8	243:2,3,5,15, 21 244:3 336:2 <b>pictures</b> 69:8,11 74:20 75:12,21 76:1, 8,17 77:8,16 78:16,20 80:5, 9,11 82:17 90:18 93:19 98:6,8,10,25 101:12 104:24 107:21 108:11 111:20 112:25 113:5 120:6, 13,16,17 122:10 128:22,24 129:4 137:12 138:9,20,25 139:17 140:3 141:20 146:22 148:2 153:17, 19 157:20 158:3,19 163:10 164:24 168:11,18 169:19 170:4, 7,16 171:10, 15,17,20,23, 25 172:2,14 174:6,9,13 175:10 176:24 177:3,5,12,20 178:9,16 180:3,12,19 182:12 187:17 189:15 190:12,13,14 191:3,22,25 192:1,6,11 193:8,10,11 197:6 201:3,4	206:11,16 207:20 210:15 213:8 215:14, 17,24 216:13 219:3 220:4,6, 8,18,20 222:24 226:17 229:14 232:21,25 233:5 234:4 239:7,15 240:25 241:1, 4,9 242:11,13, 22 245:25 246:4 264:18 265:2 307:20 315:14,16,17, 19,21 317:14 318:20 321:2 327:3 331:22, 24 365:10 <b>pieces</b> 160:19 <b>pillow</b> 242:6 <b>place</b> 134:5 145:16 180:18 193:1 259:7,8,14 334:2 <b>places</b> 188:15 272:21 <b>plaintiff</b> 8:5 251:10,13, 17,22 252:9, 11,12,14,17, 18 <b>Plaintiff's</b> 250:23 252:13 258:7,8 261:4	<b>Plaintiffs</b> 250:25 <b>plan</b> 339:9,21 <b>plane</b> 91:3,8 <b>planning</b> 230:5 325:18 339:16 340:1 <b>plastic</b> 171:5 <b>play</b> 19:10 21:6,8 <b>played</b> 24:16 <b>playing</b> 24:15 <b>pleasure</b> 130:25 143:21 342:10 <b>point</b> 45:19 48:2 71:19 90:1,16 109:14 116:3 132:25 133:1 146:20,21 159:7,10 180:18 181:12 192:16,18,19 197:21 204:4 279:14 317:20 319:1 330:7, 24 331:1 332:1,16,19 334:8,10 335:21 355:11 363:21 <b>pointed</b> 27:16 177:11	<b>pointing</b> 177:25 <b>points</b> 314:6 359:11 <b>polaroids</b> 76:1 104:22 <b>police</b> 10:12,25 <b>polite</b> 189:12 <b>politely</b> 150:15 <b>Pool</b> 268:18 298:21 304:6,7,18 305:2,17,20 307:25 312:7, 10 313:19,20 339:20 <b>porn</b> 22:20,21,23 23:12 27:8,15 28:3 97:5,8 264:20 <b>pornographic</b> 22:24 96:25 97:19 265:3 <b>pornography</b> 23:1 <b>portfolio</b> 74:21 233:1,5 241:1 242:19, 23 243:4,15, 21 244:1 264:18 <b>pose</b> 72:10,11 180:20 240:8
--	--	--	--	--

JASON BOYCE

July 09, 2019

<b>posing</b> 180:6	<b>practitioner</b> 267:15	<b>prior</b> 12:20 141:16 142:12 172:8 182:5 266:20 267:9 270:1 288:18 291:16,24 292:23 328:3 344:8 353:1 367:2	333:6 <b>produced</b> 322:23 326:9 361:6 <b>producing</b> 322:25 <b>professional</b> 75:9 82:8 135:20 <b>profile</b> 234:15 249:15 <b>program</b> 327:6 <b>prohormones</b> 271:16 <b>project</b> 231:18 246:5 <b>projects</b> 31:8 55:21,23 62:17 147:15 <b>prominent</b> 101:7 124:16 126:18 127:10,17 128:5,6 315:9 <b>promised</b> 232:16 333:5 <b>promote</b> 46:2 69:18 <b>promotional</b> 265:10 <b>pronounced</b> 14:19 <b>properly</b> 9:1 63:16 149:2 <b>protective</b>	150:3 184:7 185:11 <b>protein</b> 271:22 <b>prototype</b> 59:16 <b>prototypical</b> 59:4 <b>proud</b> 78:5 206:18 315:23 <b>proudly</b> 39:20 <b>provided</b> 262:10 268:8, 10 <b>provocative</b> 101:10 232:21 233:8 240:8, 15 242:17 <b>proximity</b> 197:19 <b>psychiatric</b> 275:23 <b>psychiatrist</b> 276:6 277:14, 18 279:16 <b>psychologist</b> 275:24 276:6 277:14 <b>PTSD</b> 291:12,15 304:15 305:7, 11 307:25 <b>pubic</b> 178:11 179:20 242:5
<b>position</b> 28:20 29:2,4 140:2,4 258:19 <b>positive</b> 49:9 213:21 348:15,17 <b>possession</b> 208:22 268:11 <b>possibility</b> 119:21 233:21 <b>possiblys</b> 17:14 <b>post</b> 316:17,18 346:23,25 <b>posted</b> 106:20 206:16,19,23, 24 212:2,9 264:23 265:6 315:21,25 316:2,6,13,16 317:22 <b>pot</b> 308:15 311:6, 13 358:2 <b>potential</b> 246:5 261:5, 13 <b>power</b> 103:3 362:3 <b>practice</b> 15:16 <b>practicing</b> 185:12	<b>pre-summer</b> 82:1 134:3 <b>precisely</b> 163:3 <b>preferred</b> 309:19 <b>prepared</b> 74:3,5 <b>preparing</b> 36:4,7 <b>present</b> 7:14 86:9 360:22 <b>press</b> 87:24 89:5,6, 10 262:12 263:2 345:25 <b>pressure</b> 76:12,14 248:17 249:16 349:2 352:2 <b>pretty</b> 11:17 14:4 32:6 47:21,23 77:4 84:20 108:10 132:11 135:14 148:22 153:17 161:2 182:22 206:14 237:22 259:25 260:1 300:17 302:16 307:6 318:10 348:12 <b>previously</b> 52:24 105:1 192:10 229:21 276:20	<b>privilege</b> 261:16 <b>probability</b> 122:9 <b>probablys</b> 17:14 44:13 <b>problem</b> 40:17 41:6,7, 11 72:3,4,5 74:4 92:23 111:8 173:22 174:17,22 180:5,6 215:6 270:15 277:7 <b>problems</b> 86:24 275:23 343:2,10 <b>procedure</b> 186:14 <b>proceeded</b> 166:3 196:11 <b>proceedings</b> 327:11 369:15 <b>process</b> 104:19 <b>produce</b> 26:5,10 52:13 158:23 320:16 321:21 324:15	<b>produced</b> 322:23 326:9 361:6 <b>producing</b> 322:25 <b>professional</b> 75:9 82:8 135:20 <b>profile</b> 234:15 249:15 <b>program</b> 327:6 <b>prohormones</b> 271:16 <b>project</b> 231:18 246:5 <b>projects</b> 31:8 55:21,23 62:17 147:15 <b>prominent</b> 101:7 124:16 126:18 127:10,17 128:5,6 315:9 <b>promised</b> 232:16 333:5 <b>promote</b> 46:2 69:18 <b>promotional</b> 265:10 <b>pronounced</b> 14:19 <b>properly</b> 9:1 63:16 149:2 <b>protective</b>	150:3 184:7 185:11 <b>protein</b> 271:22 <b>prototype</b> 59:16 <b>prototypical</b> 59:4 <b>proud</b> 78:5 206:18 315:23 <b>proudly</b> 39:20 <b>provided</b> 262:10 268:8, 10 <b>provocative</b> 101:10 232:21 233:8 240:8, 15 242:17 <b>proximity</b> 197:19 <b>psychiatric</b> 275:23 <b>psychiatrist</b> 276:6 277:14, 18 279:16 <b>psychologist</b> 275:24 276:6 277:14 <b>PTSD</b> 291:12,15 304:15 305:7, 11 307:25 <b>pubic</b> 178:11 179:20 242:5

JASON BOYCE

July 09, 2019

<b>public</b> 316:21	<b>push</b> 98:2 103:17 106:6 152:1 188:9 189:19 194:15,18	349:2	281:17 284:18 288:20 293:25 300:3,6,12,25 301:15 304:6 306:24 308:22 309:3 310:1 314:13,14 320:11 324:1 326:15 328:12 337:23 338:5, 6 340:16 343:20 344:10 348:13 350:5, 19 353:17 354:25 362:16 363:6,8 367:13 368:1, 16,17,21	<b>quickly</b> 156:7 174:5 259:25
<b>publication</b> 125:23		<hr/> <b>Q</b> <hr/>		<b>quit</b> 38:11,12,13 65:20 327:16 328:12 331:19,20 335:10,17
<b>publicly</b> 319:4 345:12	<b>pushed</b> 97:13 179:13 194:20 195:24 204:8	<b>quantify</b> 33:9,11 169:14		<b>quote</b> 123:18 275:16 323:3
<b>published</b> 69:13	<b>pushing</b> 203:2,3	<b>quarter</b> 37:7		<b>quoting</b> 274:23,25 275:11
<b>puffing</b> 232:2,9 334:15	<b>put</b> 24:13,14 29:19 63:21 85:12 99:4 103:1 140:24 163:21,22 168:6 170:22 171:10 173:24 176:7,8 177:11 178:3 181:8 182:3 188:3,5 192:20,21,22 193:13,20 194:8,10,12, 16 195:21,24 196:16,23 197:4,17,24 198:5 202:12, 16 204:6 207:17 221:20 231:20 277:19 316:20 331:18 355:12,25 364:21	<b>quarters</b> 259:9	<b>questionable</b> 257:12,13	<hr/> <b>R</b> <hr/>
<b>pull</b> 110:21 181:17,18 182:22 183:2, 6,13,14,15,16 188:7,8 189:19 193:2		<b>ques-</b> 144:12	<b>questioned</b> 48:1 365:5 367:20 368:4	<b>rack</b> 248:16
<b>pulled</b> 164:4 165:4 177:18 182:25 188:2 198:3,4		<b>question</b> 13:14 25:10 40:16 44:3 48:8 50:1 56:3 61:15,16 72:20,24 73:2, 3 77:18,20 108:17 114:5 116:9,13 117:18 128:14 133:11 134:18 135:5 138:23 139:12 140:10 141:15 142:18 144:10,11,17 149:15 165:8 168:25 172:24 173:1 183:22, 24,25 185:1,5, 8 190:3 191:22 192:5 199:9 203:7, 10 221:18 222:6 232:18 234:17 237:15 248:23 253:23 255:1 256:14, 15 270:3,4 276:23 278:15	<b>questioning</b> 68:22 142:25 323:15 361:4	<b>racy</b> 76:24 77:2 80:9,14 84:14 87:4 233:5,7 265:4 302:7 303:24 331:22
<b>pulling</b> 183:15 188:1, 2			<b>questions</b> 9:7 172:24 184:4 185:6 202:11,12 208:19 322:16 343:18,19 351:14 356:9 360:19,25 361:8,10 365:1 369:8	<b>radar</b> 81:21 103:2
<b>purpose</b> 137:6 277:5			<b>quick</b> 44:19 108:11 260:1	<b>radiating</b> 279:22
<b>pursue</b> 121:20 122:19,22,25			<b>quicker</b> 344:23	<b>raise</b> 44:19
<b>pursued</b> 122:20,24 123:1 135:25 136:2	<b>puts</b> 166:16 248:17			<b>raising</b> 283:12
<b>pursuing</b> 109:17 118:15 121:4 133:6 138:24	<b>putting</b> 146:7 185:9 186:21,24			<b>Ransdale</b> 20:22
				<b>rapid</b> 172:23



JASON BOYCE

July 09, 2019

<b>rapport</b> 321:4	265:21,24 270:21 272:5 318:16 328:6 363:7,9	292:21 318:5 351:16	21 324:3,4,5 325:17 347:2 366:7	263:6,17,22 264:4 265:5, 17,20 271:14 297:8 298:18 303:12 304:9 305:14,22 312:5 319:22 328:16 340:11 356:24 357:11 362:25 365:17
<b>raunchy</b> 76:25 80:9,14 87:4 302:8 303:24 331:22	<b>readily</b> 20:23 126:5 232:25	<b>reasons</b> 40:9 337:4,11 338:1,11,12, 14,19	<b>recalled</b> 365:7	
<b>reach</b> 121:9 223:5, 11,21 277:17, 18 303:16 304:7 319:8 324:21	<b>reading</b> 241:23 275:7 356:5	<b>reassess</b> 187:7	<b>recalling</b> 163:23	
<b>reached</b> 48:13,17 50:24 51:2 109:11 116:18 223:3 231:16 260:2,5 263:1, 3 288:9,10,11 289:11 330:16 357:1,3	<b>ready</b> 74:10 84:7 250:8	<b>recall</b> 17:16 19:21, 23 23:11,14 34:20 51:17, 19,21 56:13, 14 69:7 88:9 91:23 92:7,9, 11,12,16 96:17 106:14 121:13 125:20 132:2 138:6 144:20 145:23 148:21,22 149:3,4 156:2, 3,17 164:18, 20 175:10 189:23 194:23 207:5,8 208:9 224:12 225:15 229:6,11 246:7 255:4 261:8 263:15 273:7,14 277:12,13 278:25 279:6 286:12,20 289:20 291:9 292:24 293:3, 6 295:13,20 305:10,11,13 310:24 311:18,21 312:13 315:2 316:5 321:20,	<b>received</b> 268:7	
<b>reaches</b> 211:3	<b>real</b> 44:18 214:22 232:15 253:23 347:12		<b>recent</b> 251:14	<b>recommend</b> 246:5 276:4
<b>reaching</b> 105:23,25 231:10 232:18 239:2	<b>realistic</b> 64:3		<b>recently</b> 99:14 250:11, 19 295:18 302:4,5	<b>recommended</b> 305:16
<b>reaction</b> 131:22	<b>Realistically</b> 331:8		<b>receptionist</b> 152:8	<b>recommends</b> 285:14 305:8
<b>read</b> 35:9,11,13 42:3 49:7 54:13 68:9,11, 15,16 86:7,8 88:20 103:21 106:10 126:24 127:2 146:13 188:15 250:13 251:7 252:19, 25 262:20 263:24	<b>reality</b> 104:6 127:23 128:16 332:11,15 335:22		<b>recognize</b> 26:18,25 44:14 107:21 114:5	<b>reconcile</b> 28:7
	<b>reapproaching</b> 339:9,16		<b>recollect</b> 144:20 272:17	<b>record</b> 7:6,15 26:12 30:20,21 61:5, 10,11,13 68:22 73:6,10 80:25 88:23 99:14 105:2 114:11 140:19,20,22 150:5,8 159:19 161:19 175:23 177:10 178:3 179:25 184:15,21,22 185:3,18,19 186:2,3,9,22, 24,25 187:3, 10,12,13,15 197:4 202:3,6, 7,9 210:6 215:23 221:8, 16 225:16 226:5 238:12
	<b>reason</b> 17:3 19:17 26:5 62:3,5 76:11 79:3,6 82:8 97:4,16, 18,19 98:22 99:5 105:24 109:5 116:23 121:15 127:16 203:21 213:2, 4,8 215:18,21 219:7 240:1		<b>recollection</b> 27:4 41:20 69:2,22 71:6 107:18 119:5, 7,10 132:19 138:21 140:5, 11,14 143:6 150:19,22,24 163:6 202:19 213:23 225:22 245:16 248:22,24 252:13 253:2, 5,22,23,24 254:1,11,17 258:2,3,6,7,8, 11,13,15	

JASON BOYCE

July 09, 2019

239:1 244:24 250:4,5,7 255:20 273:8 294:15 303:5, 6,8 304:19,22, 23,25 306:21 310:7 314:12 341:14,15,17 354:10,11,13, 15,19,24 355:2,4 356:1, 4,5,6 360:14, 15,17 363:9 368:15 369:12,13	<b>referred</b> 286:16 290:6 <b>referring</b> 148:14 <b>reflect</b> 159:19 185:18 <b>reflection</b> 27:19 159:23 <b>reflects</b> 221:8 306:21 <b>refresh</b> 27:4 69:2 71:6 <b>refreshes</b> 41:20 107:18 213:23 319:22 <b>refused</b> 309:14,24 <b>regular</b> 126:5 152:3 312:6 <b>regularly</b> 14:14 20:19 49:16,17 77:6 98:3 272:4 329:21 <b>reject</b> 363:16 <b>rejected</b> 58:21 59:18 62:2 64:11 99:25 103:5 108:19,20 110:7,9 121:16 352:5 358:20 <b>rejecting</b> 102:22 336:24 <b>rejection</b>	352:10,15 <b>rejections</b> 102:13 336:19 337:11 338:2, 4,12 <b>relationship</b> 39:6,8,12,13, 22 72:15 81:10 83:3 85:17,22 86:21 301:23 317:19 318:25 343:3,11,21 344:21 <b>relax</b> 172:19 175:2 181:4,15 364:6 368:8 <b>relaxed</b> 68:19 364:23 <b>relay</b> 276:21 277:4 <b>releases</b> 268:10 <b>relentlessly</b> 121:20 135:25 <b>relieved</b> 280:12 <b>rem-</b> 132:15 <b>remember</b> 9:25 10:15 11:12,16 17:16 19:2 26:20 27:1 30:1,9 34:6,25 35:6,12 38:2 41:16 46:10, 12 51:13,15	57:25 67:17 69:9,14 70:2, 23 86:11,12 87:25 88:3,4 90:23 91:17, 21 92:22 93:11 96:7,22 100:6 106:15, 16,17 107:7,8, 9,10,11 111:17,18 112:8,10 113:24 114:1, 9,22,23 119:9 125:3 126:8, 16 129:11,13, 15 131:1,7 132:10,20 138:6 140:1 141:10 142:14,15 143:8,9,17 144:18 145:3, 5,19,21 146:4 149:7,9 150:16 151:12,15,18, 19,20,22,25 152:2,11,17 153:6,7 154:1, 2 155:9 156:14 157:12,18 158:8 160:9, 24 161:13,17 162:9,11,13, 22 164:3 165:4,24 166:12,23 167:23 168:20,24 169:2,3,9,11 170:6 171:6, 12,16,24	172:12 173:14,25 176:9,10,14 178:8 180:21 181:17 182:18 183:4 187:19, 21,23 192:11, 12 193:17 196:15 197:25 198:2,13 199:7 200:13, 14,15,16,17, 18 204:18 205:20,24 206:2,3,4,6,10 208:6 209:5, 17 210:18,19, 25 213:11,14, 15,17,19,20, 22 217:22 218:13 220:10 221:2 223:4, 15 224:17 225:13,21 226:6 227:17, 23,25 228:2, 13 237:13 240:1 244:25 248:24 250:15 253:15,16 254:4,7,8,9, 15,22,23 255:18 256:20,22,23 263:18 266:24 267:4,11,15, 20 273:25 277:16 278:24 279:2,23 280:1,4,6,12, 20 283:16 292:4,5 297:2, 4,5 302:11 305:19 306:2,
--	---	--	---	--

JASON BOYCE

July 09, 2019

12 308:9 313:6 314:12 316:13 319:19 326:4,7,11 327:8 328:14 339:22 340:20 345:19 346:16,19,23, 25 351:11,14, 15 361:16 365:11 367:18 <b>remembered</b> 169:1 214:18 282:5 <b>remembering</b> 155:8 <b>remembers</b> 239:19 <b>remind</b> 119:4 <b>reminded</b> 65:25 66:1 <b>reminder</b> 124:20 <b>reminding</b> 150:14 <b>removed</b> 40:20,22 <b>rent</b> 53:11 248:13, 14 <b>repay</b> 350:9 <b>repeat</b> 183:3 363:6 <b>repeated</b> 73:2 185:6 <b>repeatedly</b>	183:13 <b>repeating</b> 217:2 <b>rephrase</b> 9:8 139:4 329:6 <b>replace</b> 296:10 315:15 <b>reply</b> 67:17 <b>reporter</b> 8:9 186:8 221:5 <b>reports</b> 290:21 <b>represent</b> 7:19 8:2,4 <b>representation</b> 228:4 309:1,2 <b>representative</b> 7:23 106:25 <b>representing</b> 7:12,18 8:7,10 60:4 227:18, 20 <b>represents</b> 235:13 241:20,21 <b>repulsed</b> 231:6,7 <b>repulsive</b> 231:4 <b>reputation</b> 39:5 <b>request</b> 61:20 94:4,5, 16 111:14	113:16,18 <b>required</b> 307:7 <b>research</b> 30:10 <b>reservations</b> 361:7 <b>reserve</b> 61:18 260:25 353:22 <b>reserving</b> 326:15 361:2 <b>residence</b> 9:18 71:24,25 264:13 <b>residential</b> 28:21 29:1 <b>resist</b> 203:25 <b>resistance</b> 188:8 189:14, 18 203:5,20 <b>respect</b> 39:1,3 268:5 <b>respectfully</b> 335:20 <b>respond</b> 26:7,9 324:13 <b>responded</b> 225:19 252:12 <b>responding</b> 244:14 <b>responds</b> 214:7 252:15 <b>responses</b> 250:14,24	<b>responsibility</b> 351:20 <b>responsible</b> 29:1 <b>rest</b> 17:1 49:7 224:4 252:19 <b>restate</b> 362:21 <b>result</b> 37:19 <b>resume</b> 362:12 <b>retired</b> 12:16 <b>retrospect</b> 297:20 <b>returns</b> 52:3,5,9 342:6 <b>reused</b> 219:21 <b>reveal</b> 276:13 <b>review</b> 238:21 <b>reviewed</b> 250:13 290:21 <b>Richter</b> 7:10 <b>Ricketson</b> 87:10,12,15, 16,18 135:2,7, 13 259:2,24 260:9 345:17 <b>Ricketson's</b> 88:16 <b>rights</b>	361:2 <b>ring</b> 308:5 <b>Ringling</b> 151:6 <b>Rios</b> 217:16 <b>road</b> 9:18 78:14 349:20 <b>Rodney</b> 9:20 15:14 19:10 53:7,10 85:21 219:13 270:21 357:22,23 <b>roles</b> 169:23 <b>roll</b> 170:11 359:12 <b>rolling</b> 13:17 <b>Ron</b> 266:6 <b>roof</b> 21:17 <b>roofing</b> 12:13,23 <b>rooftop</b> 10:24 <b>room</b> 63:24 155:10 157:2 160:20 161:15,19 162:8 163:25 164:1 165:21 168:19,21 169:3,6 181:7
--	--	--	--	---

JASON BOYCE

July 09, 2019

184:23 185:19,21,23 187:9 221:9 249:22 250:1 252:22 253:7 254:19 255:21 271:1 <b>Roseville</b> 10:6 12:9 13:19 29:14 <b>Roshe</b> 266:18 <b>Rossi</b> 37:16 <b>round</b> 66:10 <b>route</b> 209:3 <b>routine</b> 353:9 <b>routinely</b> 19:24 20:1 <b>Roxanne</b> 268:18 286:16 290:24 294:15,22 295:4,11,14, 17 296:24 298:7,24 299:21,25 303:10,15,19, 22,23 304:14 305:5 312:3 <b>rub</b> 171:13 <b>rubbed</b> 167:17 170:1, 22 173:9 <b>rubbing</b>	166:19 168:12 172:19 173:6 181:16 182:21 183:5,7 363:25 <b>Rudi</b> 265:12 <b>rules</b> 17:13 186:11, 14,15,17 <b>run</b> 233:13,15,18 234:5 <b>Ryan</b> 266:8 <hr/> <b>S</b> <hr/> <b>sacrifice</b> 349:18 <b>sad</b> 96:4 <b>safe</b> 84:17 <b>salary</b> 341:23 <b>Sale</b> 7:18 <b>sales</b> 28:21 29:1 <b>Santa</b> 128:10,15,16, 19 <b>Sara</b> 36:8 210:21, 25 211:1 212:20 339:5 <b>Sarah</b>	8:6 <b>sat</b> 11:21 65:16 154:18 155:23 160:24 163:12,16,20 164:22 165:2, 3,22 171:24 196:25 197:6 <b>satchel</b> 165:15 166:15 168:12 <b>save</b> 235:22 <b>scared</b> 17:18 <b>scarf</b> 157:17,19,24 158:2 <b>school</b> 12:8,9 15:2,17 18:18 19:1 20:4,8 21:7 157:5 173:3 289:21 290:1 <b>Scott</b> 59:23,25 91:25 92:3 264:8,12 315:3,14,16 316:4,16 317:7 318:14 319:8,23 323:20,21,23, 24 324:4,5 <b>scowly</b> 181:14 182:13 <b>scream</b> 345:14	<b>screen</b> 326:11 <b>search</b> 291:14 <b>season</b> 229:21 <b>seats</b> 161:8 <b>seconds</b> 199:11,18 200:1,20 207:23 <b>secretary</b> 12:19 <b>secure</b> 60:12 <b>security</b> 151:7,9,23 152:14 <b>seeking</b> 259:22 294:16,20 <b>selecting</b> 104:19 <b>self-</b> <b>confidence</b> 215:6 <b>self-destruct</b> 80:22 <b>self-promoting</b> 264:10 <b>selfie</b> 111:1,15 130:20 233:4 <b>selfies</b> 76:1,8 153:15, 17 191:23 339:10,18	<b>sell</b> 208:15 325:18,20,21 326:21,24,25 <b>selling</b> 272:10 <b>send</b> 23:4,15 25:3 45:21 70:8,9, 11,14,17 76:2, 3,6,7,9,16,24 78:20 79:4,6 80:5,11 82:9, 16,20,25 87:3 90:8 91:22,25 92:17 111:1, 13,14,19,23 112:3,4,6,15 113:8,22 114:7 115:3, 10,13 128:24 129:4 130:23 143:18,19 191:4 216:12 220:8 223:25 224:7 225:6 239:10,13,14 240:5,7 242:8, 15 244:3 246:4 339:9 <b>sending</b> 23:23 69:16 70:4 75:12,21, 25 77:15 78:15,16,24 79:1,21 82:23 88:1 92:12 97:9 111:21 114:1,20 120:10,13,15 220:4,25 232:21 240:3,
---	---	--	---	--

JASON BOYCE

July 09, 2019

24 241:4,8 242:22 245:24 329:17 339:18	<b>setting</b> 75:9 118:6 153:22 367:14	138:7 139:14 365:8,15,16 366:13	23,25 138:1 140:13 142:6, 16 145:1 147:2,3,6,11 148:14 157:3 164:12 212:25 213:12 217:21 227:10 229:10 231:11,17 233:23 237:12 244:8 245:19 247:4 251:8 255:3,4,6,7,17 256:2,5 257:2, 5,9,24 264:17 305:25 306:23 307:8,12 312:23 315:10 335:23 361:22 362:4,20 363:3 366:2,9	<b>shorter</b> 188:11 344:23 348:25 351:23
<b>sends</b> 94:20,21 120:25 218:10,20 252:10 286:6	<b>settings</b> 325:14	<b>sheet</b> 192:6		<b>shortly</b> 154:19 252:9, 16 260:15 262:12
<b>senior</b> 21:7	<b>settlement</b> 60:25	<b>sheets</b> 169:19 190:5, 6 191:9 200:24 201:5, 6		<b>shot</b> 22:21 24:24 27:8 37:16 62:10 65:22 67:14 70:21 98:18 100:13, 14 101:4,7,8 120:21 121:10 126:20 135:10 180:15 206:22 213:13 214:3 233:20 239:25 249:15 255:15 264:13 317:15 326:11 334:6 335:17
<b>sensation</b> 335:24	<b>sex</b> 84:8 265:11 318:10	<b>Sheppard</b> 7:10,20 8:1		
<b>sentence</b> 66:14 68:17 70:13 234:1 306:25	<b>sexual</b> 72:6 75:8 277:23 279:15 285:10 316:23,25	<b>shiny</b> 173:16,19		
<b>separate</b> 134:22 294:11 344:11,13	<b>sexually</b> 16:22 305:24 306:14,22	<b>shirt</b> 72:12 158:6,7 173:21,24 174:2,7,16,22 175:11		
<b>services</b> 7:13 8:10 294:16,20	<b>shakes</b> 271:22	<b>shirt's</b> 174:9 202:22	<b>shooting</b> 67:10 69:3 92:24 95:2 101:9 108:20 213:7 216:16 362:8	<b>shots</b> 22:20 58:16 66:25 71:11 74:3 90:6 93:1 97:8 109:18 119:19 166:21 173:15 176:19 182:10 189:22,24,25 190:1,7,8,9 196:10,11 202:16,17,20, 21
<b>sessions</b> 305:9,13 340:22 341:4	<b>shaking</b> 203:22	<b>shirtless</b> 174:13 242:5	<b>shoots</b> 87:18 89:25 109:24 166:21 234:14 264:14,15,16 307:5	
<b>set</b> 36:12 65:11 99:19 111:7, 10 116:20 117:15,20,22, 24 118:5,19, 22 119:5 124:21 139:13 146:2,3 157:3 250:25 361:22 365:18 366:14,17	<b>shape</b> 82:10,20 188:23,24,25 189:7 244:6,8, 9,12 349:1 351:24	<b>shoes</b> 175:12,17,18 176:6 211:6 212:2	<b>shop</b> 132:9	
<b>sets</b> 88:5,19 89:7	<b>shaped</b> 63:16	<b>shoot</b> 49:20 69:6 70:20 97:21 101:9 102:1,5, 6,11 104:7,9, 13 109:21 110:1,3 117:11 120:5, 7,12 121:6 122:5 125:21 126:16 128:4, 6 129:6 137:15,16,19,	<b>shopping</b> 136:16,19,21	<b>shoulda</b> 331:6
	<b>share</b> 84:17 206:19		<b>short</b> 158:7	<b>shoulder</b> 194:9,10 279:22
	<b>shared</b> 219:13		<b>shortcomings</b> 348:19,24	
	<b>shave</b> 137:16,18			



JASON BOYCE

July 09, 2019

<b>shoulders</b> 192:24	99:1 131:11 153:8 282:24	239:8	17:6 312:11	<b>smily</b> 64:1
<b>show</b> 24:21 25:8 26:12 41:19 42:18 63:10 70:4,25 88:15 96:19 107:17 110:12,14,16, 17 137:22 160:19,20 161:20 167:8 169:18 170:10 175:19 179:4 190:14 201:2 206:22 210:20 227:14,15 228:5 238:20 244:5,12,21 248:2,17 249:16 250:23 251:14 287:9, 10 295:24 296:8 319:21 331:9 335:24 338:3,8,11 343:10,15 348:8 354:2	<b>shows</b> 95:1 335:22	<b>sister</b> 12:11	<b>sleeping</b> 270:19,25 271:13 341:2	<b>smoked</b> 20:12,14 210:11 308:12
	<b>shut</b> 156:19,20	<b>sit</b> 99:15 163:16, 18,19 254:6	<b>sleepless</b> 357:19,20 358:1,8	<b>smoking</b> 20:18 73:23 308:15,16 311:7 358:2
	<b>shy</b> 71:5,10 75:2,4 84:14	<b>sitting</b> 154:22 160:11 163:23 164:5 168:4,7 169:10,16 170:8 172:13 350:12	<b>sleeve</b> 158:7	<b>snap</b> 83:24
	<b>siblings</b> 18:5	<b>situation</b> 217:24 284:7, 9 295:12 298:1 301:20 369:5	<b>slept</b> 259:7,8	<b>snapped</b> 175:10 176:19 193:10
	<b>sic</b> 272:20	<b>size</b> 158:22 159:14,17,20, 23 160:2	<b>sliced</b> 352:24	<b>snowboarder</b> 108:4
	<b>side</b> 68:23 161:15, 19 279:22 348:25 351:23	<b>skinny</b> 56:15 57:3 337:7,17	<b>slid</b> 204:18	<b>soccer</b> 235:15
	<b>sidewalk</b> 11:16,18	<b>skip</b> 27:10,25	<b>sliding</b> 155:9,17 156:16,17 198:10 204:15	<b>social</b> 39:21,24 106:20 206:20 212:3,9 316:2 345:12
	<b>sight</b> 11:9 205:1	<b>skipped</b> 47:18 356:7	<b>slim</b> 44:5,7,8 45:3, 8,10,17 337:6	<b>socialize</b> 259:10
	<b>sign</b> 32:19 104:21 151:11	<b>skipping</b> 248:25	<b>small</b> 132:9,11 143:4,9 144:7, 14 161:16 221:9 337:6 365:13,14 366:12	<b>socially</b> 81:14,19,21 259:4
	<b>signalling</b> 101:6	<b>skittles</b> 272:7	<b>smart-alecky</b> 11:17	<b>soft</b> 41:14,24
<b>showed</b> 105:1 114:8 154:17 155:22 173:2 251:13 280:6 349:19, 20	<b>signed</b> 30:19,24 59:8 151:23 250:12 255:25 264:11	<b>skyrocketing</b> 101:13	<b>smell</b> 166:22	<b>soften</b> 42:10
<b>shower</b> 91:10,12,15, 18 96:13,18, 22	<b>Similarly</b> 179:16,18	<b>slate</b> 104:23	<b>smile</b> 41:15	<b>softened</b> 21:24
<b>showing</b> 23:13 40:25 44:22 68:2 81:25 82:5	<b>Simpson</b> 15:20	<b>sleep</b>	<b>smiles</b> 41:25 42:10	<b>software</b> 327:6
	<b>single</b> 338:23			<b>sold</b> 66:4
	<b>sir</b>			

JASON BOYCE

July 09, 2019

<b>son</b> 358:5	60:22 262:24 322:11	260:11 264:3 286:3	<b>star</b> 62:10,13 103:12 331:6, 10 332:5 333:6,13,18 334:7 335:16 358:13	297:4
<b>sooner</b> 328:8	<b>speaks</b> 68:15	<b>spoken</b> 184:24 261:9 262:8 285:9	<b>stared</b> 197:12,13,16	<b>statement</b> 51:7 55:20 67:9 89:7 95:23 112:21 204:6 210:8 227:16,19,21, 25 228:2,3 249:10,11 252:25 256:8 258:4 269:17 273:10,19 292:8 293:22 298:7,11 320:9 321:12 323:6 348:1
<b>sorts</b> 155:23	<b>specific</b> 37:4 148:7,8 158:5 253:22, 23 358:9 359:22 360:23 362:6	<b>sports</b> 21:8	<b>stars</b> 7:11 126:9 247:25	<b>statements</b> 35:23 103:19 209:19 252:23 256:9 353:19
<b>Soul</b> 34:19 60:18 65:11 210:22 211:1 212:11, 13,20 345:3, 19	<b>specifically</b> 22:15 94:11, 16 112:7 176:10,14 177:19 248:25 261:1 279:3 305:10 334:24 339:22 357:14 362:8 365:6	<b>spread</b> 32:5	<b>start</b> 13:4 38:15 52:20 63:5 91:1 122:20 141:4 194:18 201:6 238:25 322:17 348:24 363:23	<b>stay</b> 24:17 49:9 76:12 81:20 185:24 192:23 220:2 230:22 251:23 329:19 355:3
<b>sound</b> 268:3	176:10,14 177:19 248:25 261:1 279:3 305:10 334:24 339:22 357:14 362:8 365:6	<b>spring</b> 226:13 230:18,20 294:8	<b>started</b> 11:10 12:25 34:24 38:18 40:4 66:2 100:18 163:9 164:8,9 172:2 181:16 182:21 194:15 196:12,23 197:10 271:19 308:15 349:4, 7 352:5 363:25	<b>staying</b> 205:3
<b>sounds</b> 54:21 93:18 96:5 131:2 169:24 213:1 237:14 246:1 268:4 285:8 297:1 305:23 308:18 309:7 312:18,19	<b>specifics</b> 335:1 359:21	<b>squiggly</b> 54:23	<b>starting</b> 54:25	<b>Steakhouse</b> 301:6
<b>source</b> 292:2,15	<b>speculate</b> 198:1	<b>stabbing</b> 279:21	<b>starts</b> 251:2 257:23	<b>Stecker</b> 59:23,25
<b>space</b> 153:9 160:7 207:3	<b>speculating</b> 159:16	<b>stake</b> 36:17	<b>state</b> 7:14 8:19 33:12 209:25 241:17 269:24	<b>step</b> 11:15 25:13 172:20
<b>Spain</b> 48:17 49:4	<b>speculation</b> 138:16	<b>stamped</b> 177:7 275:3, 17 283:6		<b>Stephanie</b> 11:24 16:17 52:21 53:9 57:19 81:22
<b>sparse</b> 309:10 311:2	<b>speech</b> 186:20	<b>stand</b> 35:22 99:15, 17 166:20 167:17 250:17 253:1 262:16		
<b>speak</b> 149:1 221:6 261:12 262:11 263:19,21 314:13 349:13 368:15	<b>speeches</b> 185:24	<b>standing</b> 87:23 161:13 168:4,9 169:8, 10,16,17 170:2 171:22 172:2,6,11,12, 15		
<b>speaking</b>	<b>spending</b> 347:23	<b>standpoint</b> 203:9		
	<b>spent</b> 251:17			
	<b>split</b> 9:17			
	<b>spoke</b>			

JASON BOYCE

July 09, 2019

83:4 84:18 86:3,18,22 89:24 90:4 229:24 230:8, 22 301:23 343:3,11,21 <b>stepped</b> 189:23 196:10 <b>stepping</b> 11:18 <b>Steven</b> 62:24 110:3 124:14,16,21 125:1 126:17, 20 127:12,21 <b>stick</b> 163:21 175:25 <b>sticker</b> 287:13,14 <b>stilling</b> 231:23 <b>stimulants</b> 283:7 <b>stomach</b> 192:23 193:2 194:9,10 <b>stone</b> 13:17 <b>stood</b> 171:24 <b>stop</b> 71:15 72:10 109:17 149:17,18 150:15 182:16 184:2,3,10,12, 19 186:6,7,17 197:2 219:11 220:17 230:16	301:14 358:4 368:18 <b>stopped</b> 168:11 171:13 189:24 193:12 <b>stopping</b> 185:5,10 186:21,23 <b>store</b> 132:8,18,20, 21 137:11 138:1 139:8, 21 140:12 142:1,17 143:25 361:19 363:1 365:5 367:10,11 <b>stories</b> 255:19,20 <b>stormed</b> 185:20,22 <b>story</b> 65:21 201:3 214:22 255:21 316:24 346:15 <b>straight</b> 54:25 58:3 154:1 <b>strain</b> 302:1 <b>strange</b> 364:1,3 <b>strayed</b> 18:15 <b>street</b> 10:25 205:7 362:9 <b>stress</b> 22:18 78:10	284:12 300:4 <b>Stressed</b> 78:4 <b>stressful</b> 300:13 301:1 <b>strict</b> 21:3,4 <b>strictly</b> 309:24 <b>strike</b> 55:5 224:14 320:22 361:23 <b>string</b> 231:8 <b>strived</b> 133:23 <b>striving</b> 134:11 <b>strong</b> 46:3 57:15 262:16 318:10 338:15 <b>structured</b> 338:16 <b>struggle</b> 332:1 <b>struggled</b> 237:22 332:6 <b>struggling</b> 17:4,5,6 85:22 86:12 <b>stubble</b> 144:25 145:1 365:9 <b>stuck</b> 180:22 <b>studio</b>	106:13 107:12,15 108:21 110:25 146:19 153:18 155:1,12 <b>Studios</b> 152:9 154:4 <b>stuff</b> 150:5 186:21, 24 191:19 318:20 345:20 <b>stupid</b> 12:4 <b>style</b> 79:3,7 101:9 <b>styles</b> 123:5 <b>subject</b> 146:1 261:2 300:25 306:9 361:1,7 <b>subjective</b> 361:4 <b>subpoena</b> 291:14 <b>substances</b> 20:5 <b>substitute</b> 295:25 <b>success</b> 31:6 32:10,12, 14,15,20,21 65:21 330:23 349:20 <b>successful</b> 31:1,6 55:19 62:14,15,16 65:5,22 86:22 87:16 100:9	109:20 135:14 331:19 332:24 <b>suck</b> 302:16 <b>sucked</b> 83:23 <b>sudden</b> 317:7 <b>suffered</b> 343:21 <b>suffering</b> 279:15 295:1 <b>Suffice</b> 94:15 <b>suggested</b> 295:19 <b>suggesting</b> 105:6 <b>summer</b> 108:3 <b>sums</b> 64:10 <b>supervise</b> 29:6 359:16 <b>supervisory</b> 29:4 <b>supplemental</b> 261:4 <b>supplements</b> 20:4 271:22 <b>support</b> 31:15,18 32:7, 22,24 37:22 50:22 51:8 55:16,24 56:4 62:15 96:10 269:23 270:5
---	---	--	--	--

JASON BOYCE

July 09, 2019

293:10 335:19	95:19	163:10 174:6,	16 327:12	196:19 198:24
<b>supported</b>	<b>swore</b>	22 180:6,18,	346:6,13	223:20 225:20
53:14	253:21 256:1	19 185:15,23	360:6 365:13,	226:16
<b>supporting</b>	257:1 318:14	186:1,12	14,18 366:12,	251:12,18
269:13,18	<b>sworn</b>	187:2,9	14,16 367:14	253:18 258:6
<b>supposed</b>	117:9	189:15,24	<b>talked</b>	276:12 277:15
27:24 110:19	<b>symptoms</b>	190:12,13,14	9:6 16:12,15	278:24 290:16
<b>surely</b>	280:14 291:15	215:24 222:10	17:20 45:19	297:25 299:17
93:22	357:14 359:2,	233:3 235:14	48:5,9 65:16,	325:4 363:22
<b>surfer</b>	3	241:25	18 75:23,25	<b>talks</b>
108:3	<hr/>	271:21,25	78:19 86:18	123:12
<b>surgery</b>	<b>T</b>	272:2,12	87:9 92:23	<b>Tamron</b>
99:15	<hr/>	308:7 309:25	116:19 120:20	158:25
<b>surprise</b>	<b>table</b>	326:11 335:6	122:3 129:6	<b>tank</b>
169:22 280:11	125:8 157:13,	362:4	138:17,18	11:20
<b>surprised</b>	14,15 159:21	<b>Talent</b>	141:6 148:16,	<b>Taryn</b>
121:24 328:7	160:11 161:6,	33:16,20	19 163:12,15	266:12
<b>surprising</b>	10 163:13	34:23,25	174:19 207:4,	<b>task</b>
67:20 122:2	165:22 166:9	<b>talk</b>	7,23 239:24	317:8
<b>surrounded</b>	170:24	11:2,3 16:13	248:5,8	<b>tasteful</b>
11:5	<b>tables</b>	20:9 23:12	251:19 254:18	111:21
<b>suspected</b>	162:10 301:5	31:4 39:3,9	302:13,14	<b>tastefully</b>
269:20	<b>tackled</b>	49:25 56:10	304:18 307:24	191:19
<b>sustain</b>	11:19	62:22 73:9	309:12 312:24	<b>tasteless</b>
89:21	<b>Taco</b>	92:3 93:21	328:6 330:15	245:25
<b>SUV</b>	346:13	100:12,16	334:14 344:2	<b>tattoo</b>
342:11	<b>tacos</b>	130:25 137:8	347:3 349:5	40:10,17 41:4
<b>swastika</b>	346:13	140:7 143:4,	352:17	59:5 337:5
40:10	<b>Tahoe</b>	10 144:7,8,14	359:13,15	<b>tax</b>
<b>swear</b>	342:11,13	147:5 148:20	360:1 365:11,	52:3,5,9 342:6
8:11 257:15	<b>tail-end</b>	165:8 187:1	13,20 368:5	<b>team</b>
<b>swearing</b>	86:15	205:19	<b>talking</b>	19:4 104:17
250:12	<b>takes</b>	208:13,16,17,	11:10 19:8	<b>teams</b>
<b>sweet</b>	62:7 66:8,9	18,24 246:2	23:18,20 27:7	18:21
108:1	164:24 165:25	258:17	45:21 61:25	<b>teen</b>
<b>switch</b>	166:15,18	259:14,16	62:1 68:22	20:4
	<b>taking</b>	265:16,18	79:2,7 94:10	<b>teenager</b>
	69:15 97:19	274:1 288:8	132:18 133:25	18:2 272:25
	111:18 153:17	289:7,17,23,	137:24 139:20	
		24 304:20	140:8 143:7,	
		308:4 309:6,	21 156:4	
		15,16 320:2	164:8,9	
		321:18 324:8,	165:17 187:17	

JASON BOYCE

July 09, 2019

<b>telling</b> 41:16 42:8 44:5,9 45:7, 10,13,17 46:8 47:6 57:2 70:8 86:11 103:9 106:19 112:10 139:9 145:5 172:19 180:19,20 181:22,23 182:3 186:6 192:20 196:13 213:17,20 221:25 222:7, 8,11 223:11, 13 224:17 231:24 236:18 239:17 241:14,16 275:10 279:3 281:22 297:3, 4,5 305:11 306:2 351:10 352:18 353:11 366:8	<b>tense</b> 165:2 166:6 181:13 182:11 <b>term</b> 165:16 217:18 272:8,9 281:18 <b>terminology</b> 307:4 <b>terms</b> 35:8 60:25 <b>terrible</b> 352:22 <b>test</b> 137:15,16,19, 22,25 147:2,3, 5,11,13 264:16,17 280:12 307:5 <b>testified</b> 8:15 54:22 112:17 207:24 270:24 293:9, 17 294:10 314:1 325:8 327:22 333:17 <b>testifying</b> 231:13 <b>testimony</b> 117:9 123:23 142:12 172:8 182:5 203:10, 14 207:9 230:24 270:1, 2 271:6 292:23 293:14 320:19 321:25 322:5 328:3,6 344:8,18 353:1 362:17	365:14 367:2 <b>text</b> 16:13 26:2 48:21 115:5 118:5,9,10 131:12 132:22 141:8 143:18, 19,20 205:23 212:24 213:19,22 215:25 224:1, 8,10 225:7,8 238:21 244:13 251:23 252:10 286:7 287:9, 10,11 319:5,6 324:15,20 336:1 353:7 <b>texted</b> 114:19 174:25 208:7 212:19 216:3 321:18 324:13,14 <b>texting</b> 205:20 212:20 225:13 247:3 321:20 323:22 <b>texts</b> 25:20 118:7 137:21 205:21 252:24 303:24 327:3 <b>thanked</b> 262:24 <b>therapist</b> 17:18,22 269:11 277:18 285:3 290:3, 10,15,22 291:24 292:1 297:17,23	301:17 302:3 305:2,17 306:7 312:14 314:16,23 334:25 347:4 <b>therapy</b> 268:17 305:9 308:3 309:23 340:18,25 <b>thigh</b> 215:1 <b>thing</b> 11:19 158:1 166:10 171:7 172:17 173:20 175:9 193:3 194:17 196:12 199:16,17,19 200:20 201:22 210:6 215:10 237:22,24 241:12 262:15,17 263:8,11 279:1 285:10 288:6 292:20 304:11 320:21 350:15 352:24 365:7,8 <b>things</b> 24:17,22 44:9 59:12 62:21 100:15 119:23 134:22 135:3, 8 141:2 147:17 192:10 195:2 221:15 232:6,8 246:12 249:14 277:2 308:5 316:2 334:15 344:11,17	350:6 351:5,8 <b>thinking</b> 77:21,22,25 79:17 118:19 230:7,14 299:2 363:14 <b>Thomason</b> 106:15 107:7, 24 <b>thought</b> 11:13 17:19 18:20 26:10 39:11 41:7 58:4 64:21 71:4 77:9,12 83:2 101:5 103:3 108:22 109:16 127:17 149:20 204:2 214:14 216:9 220:2 233:20 234:4,5,8 235:2 258:4 290:3 293:11 320:17 321:5 322:22 327:23 364:1,3 365:10 <b>thoughtful</b> 83:24 84:6,7 302:16 <b>thousands</b> 36:24 <b>three-page</b> 283:24 <b>threw</b> 10:25 <b>thrilled</b> 93:13
--	---	--	--	--



JASON BOYCE

July 09, 2019

<b>thumb</b> 166:3 171:14 173:2,3 183:10 364:1, 2	118:12,13 124:5 125:25 128:12,15 140:19,22 144:25 145:16,18,19 146:2,3,15 148:13 151:16,19 153:15 162:24,25 163:4,5 178:14 181:23 186:13,18 187:12,15,20 188:20,21 189:15 194:1 195:23 196:15 198:20 199:8, 17 202:6,9 204:8,25 208:25 212:17 217:15 225:21 230:18 241:3 243:16,17 246:16 250:4, 7 252:6 254:19 255:22 256:4 258:3 262:6 263:5 266:22 277:16 280:10 282:11 284:6 290:2 294:1,6 295:16 297:18 301:20 303:5, 8,11 304:16, 22,25 305:21 313:13,24,25 314:6 324:14 327:19 331:15 332:21 334:8, 10,21 340:6 341:14,17	347:23 348:3 349:1,9 351:24 354:10,13,16, 22 355:4 359:15,20,22 360:5,14,17, 19,20,25 362:4 367:20 368:8 369:12  <b>timeline</b> 193:6 201:8 223:4 224:5 254:10,11 255:2 256:21, 22 257:11 258:14,16  <b>times</b> 20:17 31:11, 12 43:17 62:1 81:16 85:18 93:25 94:15 108:22 116:15,16 135:11 158:18,21 183:3 188:1 193:16 228:5 244:22 252:17 264:11,12 267:18 272:15,16,21 273:2,11 279:2 293:9 301:10,13 303:13,14 311:16,22,23 317:15 350:3 352:3,7,17 353:10 357:25 358:10  <b>timing</b>	199:20  <b>tiny</b> 169:3  <b>tired</b> 283:23  <b>tissue</b> 345:24  <b>titties</b> 42:25  <b>TMZ</b> 345:16,23,24  <b>today</b> 35:24 108:1 253:1 254:7 294:16 314:1, 8 347:5 351:4 352:17 357:16,17,18 361:14  <b>Today's</b> 7:6  <b>Todd</b> 24:21 25:7 26:19 27:16, 19 30:20,21, 25 33:17 34:2, 7 35:3 38:21 39:16 40:1 41:7,13,22 43:4,25 44:5, 7,9,23 45:16, 19 46:8,14 47:3,6,9 48:13,22 49:1 50:20 54:17, 22 56:9,10,20 57:2 59:11,12 60:10 62:21 64:19 67:13 68:6,10,12	69:3,22 70:21 71:4 72:16 74:3 79:23,25 80:6,12 81:8, 18 82:16,18 93:5 94:9,11 101:21 103:15,20,21 105:9,23 106:12 108:6, 7 110:24 111:1,7,13,15, 19 112:3,6,11, 14,17 113:23 114:17,19 115:5 116:22 119:2,12 121:19 123:18 124:2,20 125:18 128:25 135:25 213:12,17 214:7,17,25 215:19,25 216:15,20,24 217:9,16 218:1 232:5, 14 236:20,22 248:11 264:24 265:7 293:8,9, 16,20 315:14 318:5 319:6 327:21 328:7 330:16 352:21  <b>Todd's</b> 26:23 46:2 54:13 102:3 103:25 106:10 337:16  <b>told</b> 11:4,7,13,15 16:16,20,21, 22 17:3,7,18
---	---	--	---	--

JASON BOYCE

July 09, 2019

19:14 20:1 24:18,19 27:24 29:17 40:21 41:13 44:8 46:22 53:25 56:14 57:18,22,24 64:18 65:25 70:11,14 72:10 78:17, 21 93:10 99:13 101:24 103:15 104:24 106:7 109:7 117:8 125:16 129:7,24 130:3,7 136:22 137:15,16,25 138:5,19 139:14 145:16 148:9,11 154:10,16 172:1 174:23 181:5 194:11 196:15 197:2, 15,22,23 216:23 217:9, 10,11 222:25 224:3 228:3 235:7,9 245:22,23 251:17,23 262:15,16 263:12 269:4 271:15,18 272:24,25 273:5,14,17, 19 274:3,4,8, 9,13 275:5,16 276:15 277:4 278:18 279:12 283:10 292:1, 20 294:22	295:11,17,18, 21 296:24 297:8 298:24 299:2,5,8,21, 25 300:3 301:17 302:3 303:22 305:2, 5,24 307:24 308:12,15,19 312:3,5,7,14 313:19 315:13 327:11 334:11,25 336:11 341:5 349:6,22 352:21 359:15,16 364:4 365:7 366:4,12 368:7  <b>tomorrow</b> 111:7 210:17 211:4,12 355:14  <b>tone</b> 149:16 150:9  <b>tonight</b> 119:13  <b>tooken</b> 272:20  <b>top</b> 10:24 24:13, 14 47:22 71:5 76:12,20,21, 23 77:9,10 92:14 227:24 251:23 260:7 267:10 272:17  <b>topic</b> 17:17 245:17	<b>tops</b> 144:19  <b>total</b> 312:22  <b>touch</b> 65:15 71:9 72:14 93:10 237:20  <b>touched</b> 72:8,9 97:14 199:16 232:20 262:18 263:12 303:16  <b>touching</b> 77:14 90:9 194:21,24 199:3 201:6 207:25 217:8  <b>tough</b> 11:10,14 47:10,19 182:13,14  <b>towel</b> 99:1,4 239:10  <b>town</b> 10:6 252:3  <b>Toyota</b> 342:9  <b>trading</b> 327:1  <b>trailer</b> 117:10  <b>train</b> 300:14  <b>trainer</b> 299:22  <b>training</b> 175:5 234:24,	25 235:8,14 299:5  <b>transcribed</b> 149:1  <b>traumatized</b> 230:25  <b>traveling</b> 283:22  <b>treat</b> 281:22  <b>treated</b> 39:3 81:12,13 278:2  <b>treatment</b> 274:13 275:5, 16 276:16 278:18 285:4, 7 339:21  <b>treats</b> 39:1  <b>trip</b> 349:10  <b>trouble</b> 18:17  <b>true</b> 74:15 124:2 133:1,3,7,12 134:14 136:4 163:10 221:1 223:7 224:2,3, 4,9,16 228:17, 22 232:7 236:4,8 244:19,20 249:7 252:25 253:6 254:24, 25 256:17,25 257:1,4 269:17 271:4	273:1 277:11 282:5 292:8, 13,14,16 306:16 307:9, 11 313:8,17 319:17 331:20 334:16 345:21 347:4,5,9 348:2,21 349:8,21,24, 25 351:6,23 352:1,4 353:17,19,24 354:1 356:14, 19,20  <b>Trump</b> 317:24  <b>trust</b> 39:15 83:16 299:8 300:1  <b>trusted</b> 40:21 41:7  <b>Trusting</b> 39:13  <b>truth</b> 72:17 103:18 210:14 217:6 221:25 222:9, 11 228:14 229:13,15 231:8 241:14, 16 268:24 295:1 309:8 327:21 348:1 350:21 351:10 353:12,13,16 356:16 369:6  <b>truthful</b> 222:2  <b>Tuesday</b> 7:2,7
--	---	---	---	---

JASON BOYCE

July 09, 2019

<b>Tundra</b> 342:9,13	108:10 180:24 219:6	354:17,20 355:1	<b>unilaterally</b> 186:25	<b>Vegas</b> 272:16 311:19
<b>turn</b> 64:22 126:9 204:13	<b>typing</b> 186:3	<b>underlined</b> 356:14,16,17	<b>unimportant</b> 143:9	<b>verbatim</b> 17:16 70:2 206:2 228:13 263:15 295:20 305:11 319:20 340:20
<b>turned</b> 40:7,9 204:11 206:8 238:9 268:11	<b>typo</b> 215:3	<b>underlining</b> 283:5	<b>unique</b> 64:20,21 123:19	
	<hr/> <b>U</b> <hr/>	<b>understand</b> 9:7,9 52:24 97:17 127:7 134:6 180:24 199:20,22 203:24 232:7 241:19,21 242:16 254:5 293:6 298:17 299:18 306:8 319:17 333:1, 3,4,8,22 334:3 336:20 337:19 368:11	<b>untrue</b> 319:18	<b>verge</b> 68:19
<b>TV</b> 271:2	<b>UFC</b> 235:6,8,12		<b>upbringing</b> 14:12,15	<b>verification</b> 250:12
<b>Twelve</b> 28:23,24,25	<b>uh-huh</b> 15:10 29:21 46:19 48:23 50:15 59:7 62:25 70:1 75:18 76:4 80:24 82:14 88:2 89:1 92:19 104:12 122:6 127:13 129:1 146:14 147:8 150:21 152:10 167:19 170:14 174:3 178:13 179:17 191:18 201:13 206:1 223:14 248:21 251:9 262:5 272:14 289:19 300:5, 11 305:4 306:15 331:12 336:25 343:17		<b>update</b> 82:1 134:4	<b>version</b> 256:4
<b>Twenty</b> 169:21			<b>updated</b> 82:10 268:6	<b>versus</b> 7:9 369:11
<b>Twenty-eight</b> 123:24			<b>upset</b> 264:24 265:7 298:9,11	<b>victories</b> 349:12
<b>Twenty-five</b> 111:25		<b>understanding</b> 151:2 306:4	<b>upsetting</b> 299:15	<b>video</b> 7:7,20 23:15 24:7,25 25:5 61:10,12 91:10 96:12 140:19,22 187:12,14 202:6,8 250:4, 6 265:8,10 303:5,7 304:22,24 341:14,16 354:10,12 360:14,16 369:12
<b>Twenty-seven</b> 114:25		<b>understanding</b> s 134:3	<b>urgent</b> 267:14	
<b>Twenty-six</b> 10:23		<b>understood</b> 136:13 202:15 279:13 306:18	<b>usage</b> 309:6,9	
<b>Twitter</b> 316:19,20 317:22 319:3			<hr/> <b>V</b> <hr/>	
<b>two-year</b> 340:3		<b>underwear</b> 175:13 176:16,20,21, 24 177:4,5,12, 21 181:17,20 182:2,10,23 187:17,25 188:6 189:19 193:7 240:22	<b>valid</b> 73:1	
<b>type</b> 24:16,22 32:17 59:5 64:22 82:10 103:3,4 159:12 165:5 167:4,5 171:4 179:2 334:6	<b>uncomfortable</b> 217:19,25 300:9		<b>validated</b> 361:25	
	<b>uncommon</b> 336:15	<b>unfamiliar</b> 178:16	<b>values</b> 21:23,25	<b>videos</b> 23:3 77:16 78:16,20 97:20 264:23 265:1,6
<b>typical</b> 47:10,19	<b>underline</b> 353:17,18		<b>Van</b> 263:19	<b>Vierra</b> 90:3 285:9,13
			<b>varsity</b> 18:21 19:4	

JASON BOYCE

July 09, 2019

286:6 287:11 288:22 289:4 330:1 333:17	<b>walk-in</b> 286:18	196:2 203:4 204:1,2 206:19 210:8 217:6,19 221:24 231:3, 17 232:14 234:9,11,12, 17 236:7 239:4 244:5 246:25 247:1, 2,5,7,8 249:1, 4,12,13 259:21 263:3 277:4 309:15 315:15 320:19 322:7 323:7,9, 13 324:21 332:10 350:10 360:21,23 362:13,18 364:4 366:20	<b>wear</b> 137:14,15 138:5 139:10 145:4,5  <b>wearing</b> 149:13 150:17 157:16,19 158:10 162:21 179:12  <b>Weber</b> 7:9,18,20 8:2 16:23 28:5 51:5 55:8 56:6 59:3,13 62:23 71:19 79:19 90:17 93:13, 20,24 94:12, 20 95:2,8,12 99:18,23 100:4,6,19,23 101:25 102:1, 6,11,15,20,25 103:6,12,16, 17 105:6,10, 13,14,20,22 106:1,5,7,14 107:1,3,24 108:18 109:2, 6,8,18,23 111:1,4,6,14, 16 112:4,6,15 113:3,7,12 114:8,16,20 115:4,10,12, 13 116:21 118:6 119:18, 19 120:13,22 121:4,10,15 122:5,20,23 123:1,9,13,20 124:13 127:12,24 128:4 129:5,7,	8,10,14,17,18, 22,25 130:16, 23 131:13,16, 19 132:25 133:14,15,16 135:10 136:16,19 137:6 138:5, 19,24 139:1,8, 13 140:2 142:22 143:3, 7,25 145:9,25 147:7,10 148:2,10,12 153:18 154:23 155:4,24 156:24 157:21,23 162:14 163:9, 18 168:17 174:19 180:5, 12 187:24 188:10,25 191:4,9 201:19 203:3 205:11 206:22 207:14 210:15 212:25 213:7, 13,18,21 214:4 215:18 218:5 222:24 223:1,11,21 224:1,7,10 225:6,18 227:10 229:10,15 231:1,6,10,18 232:19,23 233:13 234:12,14,18 238:22 239:2, 14 244:7,19 245:6,19 246:8,15
<b>views</b> 22:2	<b>walked</b> 11:6 63:24 155:19 165:21 196:17 205:12,16 209:5 286:18			
<b>Vigilant</b> 266:8	<b>walking</b> 154:1,5 184:16,17			
<b>violating</b> 364:3	<b>wall</b> 160:12 168:20 169:7 170:3 172:11 176:3, 4,5 181:6			
<b>visits</b> 339:21,22,24	<b>walls</b> 160:7			
<b>Vogue</b> 32:5	<b>wanted</b> 11:3 21:16 29:12 39:17 43:20,25 65:13 71:10 72:2,8,10,12 74:5,9 76:9, 16,21 81:20 82:19 84:8 100:7 101:8 102:1 106:5 109:20 112:19,23 116:1,3,12,25 117:4 121:6,8 127:10,16 128:3,4 130:10,11 133:16 137:7 144:14,24 159:19 181:3, 4,15,18 186:15,17	<b>wanting</b> 100:18 140:3		
<b>voice</b> 8:24 148:23 149:16 150:9 210:3 321:15, 16 324:9,12		<b>Warburton</b> 92:10		
<b>Von</b> 220:9		<b>wardrobe</b> 63:23		
<hr/> <b>W</b> <hr/>		<b>waste</b> 186:18 295:16		
<b>wait</b> 90:4 132:3 136:22,24,25 137:2,4 175:14 177:23 201:4 235:9, 18,20,22 236:5,9 249:25 256:25		<b>wasting</b> 186:13		
<b>waited</b> 154:21		<b>watch</b> 11:14 271:1		
<b>waiting</b> 301:5		<b>watching</b> 96:25		
<b>walk</b> 209:9 349:13		<b>water</b> 88:10 339:5		
		<b>waves</b> 359:12		

JASON BOYCE

July 09, 2019

247:2,6,24	<b>website</b>	57:1 61:3,6,8,	211:22 214:1	9 337:22
249:2,5,6,9,	218:10 264:24	18,24 68:1,16	218:19 220:15	338:7,10
13,15 250:24	285:21,24	69:1 72:23	221:18,21	339:7 341:11,
251:15,17,19,	329:22	73:1,7,13	222:5,22	18 342:22,24
23 252:10,11,	<b>weeds</b>	79:13 80:17	227:5,15,20,	343:1 344:9,
13,16,17	141:4	82:4 88:14	22 228:11,20,	17 345:1
253:9,12,13	<b>week</b>	89:6,12,19	24 229:3	346:21 347:16
254:14,20	28:17,18,19	94:23 95:20,	231:14 238:4,	350:19,22
255:8,10,14,	116:5,6 149:6	22 98:16	19,24 243:11,	351:13 353:2,
22 256:2,20	220:8 222:23	107:20 112:2,	14 249:19,22	22 354:1,22,
258:19 260:20	223:3,10,25	13 114:4,13,	250:1,8,10	25 355:19
262:18 263:9,	224:6,11,23,	15,25 115:2,9,	251:3,6	356:11 360:4,
13 271:11	25 225:5,9,10,	15 116:8,10	256:12,17,24	8,12,21
278:3,6,11	23,25 226:12	118:21 124:1	260:23 261:3,	362:15 363:5
279:18	227:2 252:3	127:1,6,9	17 268:5,12,	364:9,13,19
280:16,25	282:4 283:15	128:1 131:10	13 270:2,7	365:4,25
303:17,20	284:3 359:17	135:1 136:11,	274:20,22,25	366:3,10
304:8 307:12	<b>weekend</b>	15,18 138:17,	275:3,9,13,18	367:3,17,19
312:24 314:10	240:12	22 139:3,5,6,	277:1 278:16,	368:1,3,14,17,
328:22 329:4	<b>weekends</b>	12,15,22,24	21 281:6,15	20 369:2
330:9,18,22	359:20	140:15,23	282:15,16,23	<b>WEINTRUAB</b>
331:5,9,25	<b>weeks</b>	141:1,23	283:1,3,18,20	63:14 68:25
332:18,23	226:4,5	142:13	284:16,22	71:3 320:1
333:6,22	235:23 280:24	144:12,22	285:1 287:8,	<b>weird</b>
334:6 335:11	<b>weigh</b>	146:12	14,16 292:10,	206:3 208:8
339:9,17	159:3 188:19	149:16,20,23	14,19 293:1,	216:7,10
345:20	<b>weight</b>	150:4,9,13,18	15 294:19	<b>well-known</b>
352:10,13,17,	43:20,21 44:1	160:18 161:1,	295:7 296:6,	315:3,6
19 356:22	57:13 104:23	20,23 162:1	12,16,17	<b>West</b>
361:18 362:2,	<b>Weintraub</b>	164:19	303:2,9 304:3,	9:18
9,13,16,18	7:17,18 8:8,18	167:11,13,15	5,19 305:1	<b>whatnot</b>
366:11	10:21 11:11	169:4 172:5,9	307:18 308:23	259:17
367:13,21	21:19 23:21	177:2,17,22	309:2,4,22	<b>When's</b>
368:7 369:11	24:1 25:23	179:24 180:2,	310:3,5,8,11	282:11
<b>Weber's</b>	26:1,11,15,17	10,17 182:6,	311:1 316:15	<b>whisper</b>
93:21 94:16	40:13,15 41:3,	19 183:20	317:6 321:11,	221:14
106:13 107:15	18 42:5,7,15,	184:3,8,11,16,	14 322:1,6,11,	<b>whispering</b>
112:11,19,22	17 43:9,22	19,23 185:4	17,18,22	221:9
119:24	44:21,25 45:2	186:15 187:16	323:2 324:7	<b>white</b>
123:11,13	49:21 52:19	190:3,4,17,20	325:1 327:15	101:11
130:15 142:9		191:2,13	328:5,11	
194:2 251:22		202:4,10	329:14,24	
318:15 321:6		203:15,18	332:14 333:12	
		210:1,24	335:3,9 336:6,	



JASON BOYCE

July 09, 2019

<b>whites</b> 120:2	<b>woman</b> 84:8 92:17 154:13 156:1	112:19,22 115:21 116:1, 3,5,12,17 117:24 119:24 121:8 124:13 131:5,13 136:8 143:22 147:14 173:4 175:5 215:12 233:21 234:6, 9,11,12,17 235:19,21 246:25 247:1, 2,5,8 269:11 300:14 325:22 330:6 342:9 349:3 350:10 359:14,16,17 363:17 366:21,24,25 367:4	<b>works</b> 15:2 60:6 104:20 106:25 117:23 186:16 288:5 <b>world</b> 33:4 66:10 134:22 191:6 266:5 330:17 336:24 338:23 <b>worlds</b> 134:21 <b>worried</b> 11:5,6 272:24 273:9,11,12, 13,22,25 274:2 279:2 <b>worries</b> 273:18,24 <b>worry</b> 273:2 <b>worrying</b> 278:10 <b>worst</b> 210:6 <b>worth</b> 335:24 <b>worthy</b> 21:21 185:11 <b>woulda</b> 331:6 <b>Wright</b> 260:11 <b>wrist</b> 192:25 194:11 195:13 196:14 <b>write</b> 47:21 83:22	131:5 196:20 213:12 215:4 218:11 219:5 220:12,18 242:3 243:2 245:18,21,22, 23 347:20 <b>writes</b> 240:6 317:21 <b>writing</b> 69:3 115:5 214:11 241:18 351:18 362:18 <b>written</b> 123:12 257:19 319:9 <b>wrong</b> 49:10 86:4 105:24 108:18 185:14 357:24 <b>wrote</b> 47:9 62:20 63:3,9,15 64:2,7,24 65:20 66:7,14 67:13 68:9 74:2 102:10 111:5,7 124:12 212:11 231:4,6 235:19 273:4 274:12,19,20 275:19 276:18 277:9 292:6, 13 298:1 309:5,19 312:25 319:19 324:22,23 347:7,9,13 348:23 349:9, 16 350:14
<b>wholeheartedl y</b> 260:23	<b>women</b> 152:19 331:23			
<b>wife</b> 11:2 52:21 83:12,13 85:17 267:7 295:18,22 302:4	<b>wonderful</b> 232:6 315:14 352:23 <b>Wood</b> 266:12			
<b>Williamsburg</b> 205:14 209:4, 19	<b>word</b> 57:15 85:12 166:5,7 178:10 232:2 265:4 318:10 323:11,12			
<b>window</b> 161:22	<b>words</b> 17:2 39:7 43:14,15 66:11 118:25 130:8 137:17, 20 177:4 185:9,10 189:4,5 195:5, 6 210:7 214:13,15 228:13 242:18 247:19 258:23 263:10,14 288:17 307:9 313:14 319:15 344:5 353:6,8 366:11 368:8, 23,24	<b>worked</b> 12:14,15,18 31:5 37:25 38:2,7,20 50:7 64:24 84:24 98:3 117:17 252:16 264:11 281:10 346:9 <b>working</b> 28:12 31:9 38:15 66:3 135:17 153:2, 4 174:20,23 299:5,14,22 300:13,17 301:14,16 329:5 340:25 341:9,19 345:19,22 <b>workings</b> 281:9		
<b>windows</b> 155:9 161:14, 15,16,20 162:2,5				
<b>windup</b> 157:6				
<b>winning</b> 333:7,11				
<b>wiped</b> 208:15,20 325:11,20 326:20				
<b>wishing</b> 103:22 104:1, 4 122:4,16 133:13 247:16 331:4 336:10				
<b>withdraw</b> 256:8 314:13	<b>work</b> 24:15,23 28:15,17,22 34:18 38:1,4 45:22 60:13 62:23 70:7 97:5 101:8			
<b>withdrawn</b> 219:11				
<b>witnesses</b> 260:21 261:5				

JASON BOYCE

July 09, 2019

351:19	64:8,11 65:19	235:19,21	
<hr/>	66:23,24	238:15 302:2	
<b>X</b>	102:16 103:5	329:17 349:6	
<hr/>	108:4 110:24	<b>young</b>	
<b>XO</b>	115:18 118:16	83:23 337:7	
108:5	121:5,14	<b>younger</b>	
<hr/>	133:6,23	14:22 57:23	
<b>Y</b>	135:22 184:25	58:5,7	
<hr/>	215:7 233:15	<b>youth</b>	
<b>year</b>	236:14 237:9,	58:23 125:22,	
10:16 15:17	16,18,23	24	
21:7 30:22	266:25		
33:25 38:3	267:12,21		
51:23 54:5,19	269:13,19	<hr/>	
62:12 96:1,9	270:9 271:13	<b>Z</b>	
102:13,14	272:13 274:13		
114:1 116:6	275:4,15	<b>zoom</b>	
125:5 130:9,	276:14 278:1,	331:23	
10 134:11	14,17 292:2,	<b>zoomed</b>	
135:25 136:1	15 294:2,23	81:2 134:4	
230:3,4 245:1,	295:2 299:6,	216:12	
5 267:19	23 312:14		
272:22,23	313:22 332:5,		
290:4 308:16	6,7 342:7		
310:19 311:7,	352:16		
18,21 312:1	<b>yesterday</b>		
328:15,21	36:3,5 250:21		
336:13	<b>Yo</b>		
337:11,12	59:2		
340:7 341:25	<b>York</b>		
342:4,12	7:21 47:22		
349:19 358:20	53:20,22		
359:5	60:13,18		
<b>yearly</b>	85:21 91:3		
54:4	105:20		
<b>years</b>	107:13,14		
9:13,17 10:1,	111:6 124:4,6,		
9,10 12:14	7 144:6		
17:4 20:4,14	186:11,15,16,		
28:10 53:3	17 230:6,10,		
54:7 55:13	19,21 233:12		
58:13 62:7	234:21		